

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

- - -
CARMEN RILEY, :
Administrator of the :
Estate of Ty'rique :
Riley, et al : CIVIL ACTION NO.
: 4:20-CV-00325
vs. :
:
BRIAN CLARK, Warden of :
Dauphin County Prison, :
et al :

- - -
Zoom deposition of MATTHEW DANNER,
taken pursuant to notice, beginning at 10:05 A.M., on
Friday, March 17, 2023, before Nicholas DiPiero,
Registered Professional Reporter and Notary Public.

- - -

DIPIERO COURT REPORTING
Registered Professional Reporters
1175 Marlkhess Road, Unit 2460
Cherry Hill, NJ 08034
(215) 735-8101
dipieroreporting@aol.com

MATTHEW DANNER

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1 APPEARANCES:
2

3 MINCEY FITZPATRICK ROSS, LLC
4 BY: RILEY H. ROSS, III, ESQUIRE
5 KEVIN V. MINCEY, ESQUIRE
6 One Liberty Place
7 1650 Market Street
8 Suite 3600
9 Philadelphia, PA 19103
10 (215)550-1995
11 Riley@minceyfitzross.com
12 Co-counsel for the Plaintiffs
13

14 LAVERY LAW
15 BY: FRANK J. LAVERY, JR., ESQUIRE
16 225 Market Street
17 P.O. Box 1245
18 Harrisburg, PA 17108
19 (717) 233-6633
20 Awn@@laverylaw.com
21 Counsel for Defendant,
22 Lt. Greg Mendenhall
23

24 MARSHALL DENNEHEY
25 BY: JOHN R. NINOSKY, ESQUIRE
100 Corporate Drive, Suite 201
Camp Hill, PA 17011
(717) 651-3529
Jninosky@mdwccg.com
Counsel for Defendant,
Prime Care & Ms. Bentacourt

MacMAIN, CONNELL & LEINHAUSER
BY: MATTHEW POLALA, ESQUIRE
433 West Market Street, Suite 200
West Chester, PA 19382
(484) 463-1014
Mpolaha@macmainlaw.com
Counsel for Susquehanna Defendants

DiPIERO COURT REPORTING
(215) 735-8101

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1 MARSHALL DENNEHEY
2 BY: DONALD CARMELITE, ESQUIRE
3 100 Corporate Center Drive
4 Suite 201
5 Camp Hill, PA 17011
6 (717) 651-3529
7 Dcarmelite@mdwccg.com
8 Counsel for Defendant,
9 Angela Swanson

ALSO PRESENT:

THOMAS SLOUGHTER

- - -

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1 (It is stipulated and agreed by and
2 among counsel that sealing, certification and filing
3 are waived, and that all objections, except as to the
4 form of the questions, are reserved until the time of
5 trial.)

6 - - -

7 MATTHEW DANNER, SR., having
8 been duly sworn, was examined and testified
9 as follows:

10 - - -

11 BY MR. ROSS:

12 Q. Good morning. My name is Riley Ross along
13 with Kevin Mincey and we represent the plaintiffs in
14 this litigation.

15 Could you state your full name for
16 the record.

17 **A. Matthew Danner, Senior.**

18 Q. Officer Danner, you are a correction officer;
19 is that correct?

20 **A. No.**

21 Q. You're no longer a correction officer?

22 **A. Correct. No longer a correction officer.**

23 Q. What's your current employment?

24 **A. I'm a security guard at a hospital.**

25 Q. Is it still appropriate to call you Officer

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1 Danner because I'm probably going to keep slipping
2 into that title. Is that all right with you?

3 **A. That's fine.**

4 Q. Have you ever been deposed before?

5 **A. No.**

6 Q. I'm going to go over some rules for the
7 deposition and to make sure we're on the same page for
8 today. This is merely a question and answer session.
9 Okay. There are no right or wrong answers. The Rules
10 of Civil Procedure which all the lawyers here in this
11 lawsuit are governed by allow the lawyers to question
12 witnesses, to question defendants, to question
13 plaintiffs even and to get information from them
14 that's called discovery.

15 **A. Yes.**

16 Q. And what I'm going to be doing here is just
17 asking you questions and I just want to get your best
18 recollection of events in the past and your best
19 ability to answer my questions, okay?

20 **A. Okay.**

21 Q. First and foremost, because there is a court
22 reporter here that's taking down that we say it is
23 important that your answers be verbal, okay. You can
24 shake and nod your head, that's fine, but as long as
25 you also say something when you're doing that will

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1 allow the court reporter to take down everything,
2 every answer that you give, okay?

3 **A. Okay.**

4 Q. All right. As I said, I'm asking for your
5 best recollection of events. I'm not asking you to
6 guess unless I specifically ask you to guess or to
7 approximate. But if you need to guess or approximate
8 you can just let me know that in answer, okay?

9 **A. Okay.**

10 Q. Do your best to as I give a clear response.
11 A yes or no is much better than an uh-uh or a nuh-uh
12 or something like that. Do you understand that?

13 **A. Yes.**

14 Q. Also, so that the court reporter can take
15 down everything that we say it is important that we
16 speak one at a time. So I'm going to do my best not to
17 start talking before you finish answering your
18 question and I'm going to ask you to allow me to ask
19 my question completely before you begin your answer,
20 okay?

21 **A. Yes.**

22 Q. It's quite common when people are talking
23 that you may hear me ask the question, you answer it
24 and I ask another question that you know exactly what
25 I'm about to say and you may want to come in with the

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1 answer before I finish my question. But for today's
2 purposes just allow me to finish the question even if
3 you know exactly what I'm going to ask so that the
4 court reporter can take everything down, okay?

5 **A. Okay.**

6 Q. If you don't understand my question just let
7 me know and I'll rephrase it. I'll do my best to put
8 it in a way that you do understand it. But if you do
9 answer my question I'm going to assume that you
10 understood my question. Is that fair?

11 **A. Yes.**

12 Q. We can take a break at any time if you need
13 to use the restroom, if you need to get a drink of
14 water, if you need to talk to your attorney, for any
15 reason at all we can take that break. Just let me
16 know that you want to take a break. The only thing
17 that I ask is that you answer the question that's been
18 asked before we take the break, okay?

19 **A. Yes.**

20 Q. Do you understand all those rules that I've
21 just gone over?

22 **A. I do.**

23 Q. Do you have any questions about them?

24 **A. No.**

25 Q. Have you taken any medication in the past 24

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1 hours that would influence your ability to participate
2 in today's deposition?

3 **A. No.**

4 Q. Have you consumed any alcohol in the past 24
5 hours?

6 **A. No.**

7 Q. Have you consumed any drugs in the past 24
8 hours?

9 **A. Drugs as in prescription drugs or?**

10 Q. Any type, any types of drugs.

11 **A. I take prescription drugs, yes.**

12 Q. Okay. Do those prescription drugs interfere
13 with your ability to recall any events from the past?

14 **A. No.**

15 Q. Do they interfere with your ability to listen
16 to questions and to answer those questions?

17 **A. No.**

18 Q. Is there anything about you as you sit here
19 today that make you unprepared to go forward with
20 today's deposition?

21 **A. No.**

22 Q. Have you reviewed any documents in
23 preparation for you deposition today?

24 **A. I have.**

25 Q. What have you reviewed?

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1 **A. My memo from the prison on the date of the**
2 **CID report and use of force.**

3 Q. When you say use of force what are you
4 referring to?

5 **A. The policy that was in place at the time I**
6 **was employed at the prison there.**

7 Q. Are there any other documents that you
8 reviewed in preparation for today?

9 **A. No.**

10 Q. When you say the CID report what are you
11 referring to?

12 **A. The report that was done by the county**
13 **investigator.**

14 MR. CARMELITE: And, Riley, just to
15 be clear, he reviewed his statement.

16 MR. ROSS: I was just going to ask
17 that next.

18 MR. CARMELITE: He had the reports.
19 He did not review all thousands of pages we got. He
20 just reviewed his recorded statement. That was it.

21 BY MR. ROSS:

22 Q. Officer Danner, have you reviewed any videos
23 in connection with your preparation for today?

24 **A. I did.**

25 Q. What video did you review?

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1 **A. The block camera.**

2 Q. When you say the block camera are you
3 referring to a particular block camera?

4 **A. A-block.**

5 Q. Did you review the A-block camera only? Let
6 me ask a different question. How many videos did you
7 review?

8 **A. I believe four.**

9 Q. Okay. We're going to look at some video today
10 and so I'll be able to ask you some more questions. If
11 there's other videos that you reviewed that we don't
12 talked about today we can talk about that when we get
13 there.

14 Other than the videos and the
15 documents that you described have you reviewed any
16 other materials in preparation for your deposition
17 today?

18 **A. No.**

19 Q. Are you aware that you're named as a
20 defendant in the lawsuit that brings us here today?

21 **A. I am.**

22 Q. Have you reviewed the complaint in that
23 lawsuit ever?

24 **A. I don't recall. I don't think so.**

25 Q. Have you ever been asked to turn over any

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1 documents in connection with this lawsuit that you're
2 aware of?

3 **A. The only document I would have turned over**
4 **would have been that original memo to the prison. But**
5 **I've never turned anything over to anybody else.**

6 Q. Okay. Have you yourself other than the --
7 well, let me back up. The memo that you just referred
8 to is that something that was written by you?

9 **A. It was.**

10 Q. Other than that memo have you created any
11 other documents in connection with the death of
12 Ty'rique Riley?

13 **A. No.**

14 Q. We're going to move into some background
15 information. Did you graduate from high school?

16 **A. Yes.**

17 Q. And what year were you born first of all?

18 **A. 1980.**

19 Q. What year did you graduate from high school?

20 **A. 1998.**

21 Q. What high school did you graduate from?

22 **A. East Pennsboro Area High School.**

23 Q. East Pennsboro Area High School.

24 **A. East Pennsbori.**

25 Q. Did you attend any college?

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1 **A. I did.**

2 Q. What college or colleges did you attend?

3 **A. I attended Lackawanna Junior College for a**
4 **summer semester and fall semester. And then I**
5 **attended Harrisburg Area Community College for one**
6 **semester.**

7 Q. Any other colleges?

8 **A. No.**

9 Q. What year did you attend Harrisburg Area
10 Community College?

11 **A. 1999. Spring. No. Yeah. Spring of 1999.**

12 Q. As of June 26, 2019 what county or city did
13 you live in?

14 **A. You said 2019?**

15 Q. Yes. June 26. 2019 where were you living?

16 **A. Cumberland County.**

17 Q. And June 26, 2019 you were working for the
18 Dauphin County prison; is that correct?

19 **A. Correct.**

20 Q. Did anyone else live in that home with you at
21 the time and date, did anyone else work for the
22 Dauphin County Prison?

23 **A. No.**

24 Q. Have you ever been arrested?

25 **A. No.**

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1 Q. Have you ever been a party to a lawsuit other
2 than this current lawsuit?

3 **A. I have been sued before.**

4 Q. How many times have you been sued before?

5 **A. I'm unsure of the number.**

6 Q. More than two not counting this lawsuit?

7 **A. Yes.**

8 Q. More than five?

9 **A. I don't believe so.**

10 Q. So somewhere between two and five you believe
11 other than this lawsuit.

12 **A. I believe that would be a good.**

13 Q. Did any of those lawsuits involve you as a
14 correctional officer?

15 **A. All of them would have.**

16 Q. So let's start with the most recent one. Can
17 you tell me the name of the plaintiff in the most
18 recent lawsuit.

19 **A. No. I'm unsure any of the names in any of the**
20 **lawsuits.**

21 Q. Other than, and so I don't have to keep
22 saying this. I'm talking about anything other than
23 today's lawsuit, are any of them still ongoing today?

24 **A. Unsure. I do not know. The prison hasn't**
25 **contacted me. They told me that I was being sued on**

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1 **occasion and then I heard nothing further.**

2 Q. And you haven' been deposed in any of those
3 other lawsuits; correct?

4 **A. Never been deposed.**

5 Q. Okay. Do you know if any of those lawsuits
6 have been complete?

7 **A. I do not know. All I know is they say I'm**
8 **mentioned in the lawsuit and then I heard nothing**
9 **further.**

10 Q. I know you said you heard nothing further but
11 I'm going to ask you a few more questions. Do you know
12 if any of those lawsuits are State lawsuits versus
13 Federal lawsuits?

14 **A. I do not know.**

15 Q. Do you know if you have an attorney for any
16 of those other lawsuits?

17 **A. The county would have been the attorney that**
18 **would have been representing me.**

19 Q. Okay. The county could mean lot of things.
20 So do you know the names of any other attorneys who
21 may have been representing you?

22 **A. Whoever the county solicitor was.**

23 Q. Okay. I'm just asking specifically. Do you
24 know the names of anyone?

25 **A. No. I don't know the names of.**

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1 Q. Let's talk about your employment. You said,
2 can you tell me again who you currently work for?

3 MR. CARMELITE: Riley, when this
4 incident happened he and his family were subject of a
5 number of threats. So he is, because of that we're
6 not inclined to publically release where he's working,
7 where he lives. You can contact me through -- if you
8 want to contact me. If you really need his employment
9 records from his current employer we can a talk about
10 that. But generically he works as a security guard at
11 a local hospital.

12 MR. ROSS: Okay. That's fair enough,
13 Don. If I need that we'll get together off line on
14 that.

15 BY MR. ROSS:

16 Q. So you just heard, Officer Danner, that
17 your attorney represented that you currently work as a
18 security officer at a local hospital. Do you agree
19 with that representation?

20 **A. Yes.**

21 Q. When did you leave the Dauphin County Prison,
22 when did you stop working there?

23 MR. CARMELITE: And let me add one
24 more thing, Riley. Subsequent to the incident with
25 Ty'rique Riley the County disciplined Mr. Danner. That

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1 has gone to an arbitration. The arbitration is still
2 pending.

3 So at this time he's not going to
4 answer questions about what happened in that event
5 until the arbitration is resolved. At that time he's
6 willing to come back if needed and answer questions if
7 you deem it necessary and it's relevant.

8 But generically I can tell you it
9 was a use of force incident. Inmate was charged with
10 assaulting Mr. Danner and that's also the subject of a
11 pending criminal matter that hasn't resolved. So I
12 think until both those matters are resolved he's not
13 going to answer questions about that incident.

14 But his separation of employment
15 with the prison stems from that incident.

16 MR. ROSS: So let me, and you can
17 represent this. You don't have to have your client
18 represent this.

19 MR. CARMELITE: Sure.

20 MR. ROSS: You're stating that the
21 incident that is subject of arbitration right now hand
22 the basis for his discipline is not related to
23 Ty'rique Riley?

24 MR. CARMELITE: Correct. Correct.

25 MR. ROSS: Well, then I still would

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1 like to know when he stopped working there because I
2 do think that that's relevant.

3 MR. CARMELITE: That's fine. You can
4 answer if you know approximately when you stopped
5 working.

6 **A. January 27th.**

7 Q. Of this year?

8 **A. 2022.**

9 Q. I'm going to come back to ask you some
10 questions about discipline but it's going to be
11 related to Ty'rique Riley. So we'll come back to that
12 in just a second.

13 Were you working at the Dauphin
14 County Prison on June 18, 2019?

15 **A. Yes.**

16 Q. And how about also on June 26, 2019, were you
17 working at Dauphin County Prison?

18 **A. Yes.**

19 Q. What was your title on June 26, 2019?

20 **A. Correction officer.**

21 Q. As of June 26, 2019 how long had you been
22 working at the Dauphin County Prison?

23 **A. What was the date?**

24 Q. June 26th. Let me try to give you some
25 context. June 26, 2019 is the date that Ty'rique Riley

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1 was taken out of Dauphin County Prison and sent to the
2 hospital. Do you agree with that statement?

3 **A. That was the 26th?**

4 Q. Yes.

5 **A. Okay. I was working that day, yes. What was**
6 **the other date that you asked that I was working?**

7 Q. June 18, 2019. Actually I didn't ask you if
8 you were working that date. I just asked you if you
9 were employed at the Dauphin County Prison on June 26,
10 2019?

11 **A. Yes.**

12 Q. As of June 2, 2019 how long had you been
13 working at Dauphin County Prison? It may be easier
14 for me to just simply ask when did you start working
15 --

16 **A. 15 years.**

17 Q. When did you start working at the Dauphin
18 County Prison? Do you remember what year?

19 **A. March 15, 2004.**

20 Q. March 15, 2004?

21 **A. Correct.**

22 Q. And between March 15, 2004 and January 27,
23 2022, did you work continuously for the Dauphin County
24 Prison?

25 **A. I was employed there continuously, yes.**

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1 Q. There was never a time when you stopped
2 working there and started working for someone else,
3 ended your employment with Dauphin County Prison and
4 started your employment somewhere else during that
5 time period?

6 **A. No.**

7 Q. Did you work any other jobs during that time
8 period?

9 **A. No.**

10 Q. Okay. During that time period that you were
11 employed by Dauphin County Prison did you hold any
12 other titles other than correctional officer?

13 **A. No.**

14 Q. And with regard to your title as a
15 correctional officer are there ranks even within that
16 title or is it simply a correctional officer and
17 that's the only title?

18 **A. I was simply a correction officer. No other**
19 **title.**

20 Q. Okay. Did you ever attend a police academy?

21 **A. No. Not a police academy.**

22 Q. Did you attend something similar to a police
23 academy?

24 **A. Similar, for the field that we were working**
25 **in yes.**

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1 Q. Tell me what you're referring to.

2 **A. The Pennsylvania Corrections Academy in E**
3 **Town.**

4 Q. And when did you attend that academy?

5 **A. Approximately a month after I was employed.**

6 Q. So this would be approximately in April,
7 sometime in April of 2004?

8 **A. Yeah. It's hard for me to remember but**
9 **approximately a month, maybe a little longer than a**
10 **month after my start of employment.**

11 Q. And how long did you attend the Pennsylvania
12 Corrections Academy?

13 **A. That was a five week academy.**

14 Q. Did you graduate?

15 **A. I did.**

16 Q. And you said it was in E Town?

17 **A. E Town.**

18 Q. Does that stand for something?

19 **A. Elizabethtown.**

20 Q. Have you received any special certifications
21 during your time as a correctional officer with the
22 Dauphin County Prison?

23 **A. Special as in, when you talk about special?**

24 Q. Well, let's just start with certifications.

25 Have you been certified in any way during your time as

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1 a correctional officer with Dauphin County Prison?

2 **A. Yeah. We received a lot of certifications.**

3 Q. And can you give me an example of some of the
4 types of certifications that you received.

5 **A. Tactical handcuffing, OC, otherwise known as**
6 **OCAT. We receive firearms training, weapons retention**
7 **training, first aid, CPR training, AED training,**
8 **transport training.**

9 Q. Are these certifications certifications that
10 all correctional officers are required to obtain, if
11 you know?

12 **A. All correctional officers have most of those,**
13 **yes.**

14 Q. Have you ever been certified to train others?

15 **A. No.**

16 Q. Have you ever taken any classes to attempt to
17 get certified to train others?

18 **A. No.**

19 Q. Have you ever taken any tests to attempt to
20 get certified to train others?

21 **A. The only test I took outside of the standard**
22 **test would have been the one for promotion to**
23 **Lieutenant. Other than that, no.**

24 Q. When did you take the test for a promotion to
25 Lieutenant?

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1 **A. I want to say, I'm not 100 sure. Probably**
2 **about two years before I left here. So I would say it**
3 **was about two years previous to January 2022 would be**
4 **the general time.**

5 Q. That would put us approximately January of
6 2020; does that sound right?

7 **A. Something in that ballpark. Not a 100 percent**
8 **positive.**

9 Q. COVID has become a good measure of time. So
10 do you know if the COVID pandemic when you took this
11 test or not?

12 **A. I'm not sure.**

13 Q. Other than taking the test for a promotion to
14 Lieutenant are there any certifications that you
15 attempted to achieve other than the standard training
16 certifications?

17 **A. No. The only one that would not have been a**
18 **standard certification would have been the transport**
19 **training.**

20 Q. What is that?

21 **A. That is to be able to transport inmates to**
22 **and from prison outside facilities.**

23 Q. So you did receive a certification to
24 transport inmates outside of facilities?

25 **A. It's not a certification. Like we didn't get**

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1 **a certification. You were just placed on a transport**
2 **team, went through additional education and then put**
3 **as a transport officer within the prison. You were**
4 **utilized for that.**

5 Q. Do you recall when you received that
6 authorization or designation to be take transport
7 officer?

8 **A. No. It was early in my career. They selected**
9 **us and sent us to that additional training.**

10 Q. As of on June 26, 2019 were you authorized to
11 transport individuals outside of facilities?

12 **A. I was.**

13 Q. Did you retain that authorization to
14 transport individuals outside of facilities up until
15 the time that you left Dauphin County Prison?

16 **A. I did.**

17 Q. From the time you began Dauphin County Prison
18 up until June 26, 2019 had you received any discipline
19 as a correctional officer?

20 **A. Can you repeat that.**

21 Q. Between the time that you began at Dauphin
22 County Prison up until June 26, 2019 had you received
23 any discipline as a correctional officer?

24 **A. Yes.**

25 Q. How many times have you been disciplined in

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1 that time period?

2 **A. I'm not sure of the total amount because of**
3 **some of the discipline that is actually put in the**
4 **file.**

5 Q. Okay.

6 **A. Stuff like that. So I'm unsure of how much of**
7 **that is in there. Outside of that more of what we**
8 **consider a discipline is like a write-up process. I**
9 **believe it was two or three.**

10 MR. CARMELITE: Just tell him what
11 you remember. He can ask you questions.

12 Q. You said something that I didn't quite catch.
13 It sounded like you were making a distinction between
14 types of discipline and you cut out at least on my
15 end. So if you were saying, trying to make a
16 distinction between types of discipline could you
17 repeat that, please.

18 **A. Some of the types of discipline that are in**
19 **our folders are like call-offs. It deals with a**
20 **seniority in a call-off. We never seen that as a**
21 **discipline because you don't receive per se a write-up**
22 **for that. It's a point process that they put in your**
23 **folder. So I'm unsure of how many of those I have.**
24 **But discipline with receiving a write-up would be two**
25 **or tree write-ups.**

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1 Q. What is a call-off?

2 A. A call-off there is they allot so many slots
3 in a book for a day for people to be off with personal
4 time. So if you're outside of a seniority gap you end
5 up getting a slot if that book is full and they issue
6 you a points letter. So you get one point for
7 call-offs.

8 Q. That is all related to your showing up for
9 work or not showing up for work; is that correct?

10 A. It does but it, you can say that per se, yes.
11 That's, it's not like a tardiness or not -- it's a
12 call-off using your time. It has to do with a
13 seniority gap. So if you're outside, when you're don't
14 have a lot of time in you end up utilizing that to
15 take-off. You have to call in and they say, hey,
16 book's full. Okay. I still want the day. They give
17 you that day off.

18 Q. Okay. I understand. With regard to the
19 write-ups you said there may be two or three. Let's
20 start with the first write-up that you recall. Can you
21 tell me the nature of that write-up.

22 A. The first one would have been and I don't
23 know how the write-up was worded. It was with another
24 officer. And it had to do with I believe her actions.
25 And beings I was with her they then wrote both of us

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1 **up for that action.**

2 Q. What was that action?

3 **A. They claim she was unprofessional.**

4 Q. In what way was she claimed to have been
5 unprofessional?

6 **A. What do you mean by?**

7 Q. What was the allegation regarding her being
8 unprofessional?

9 MR. CARMELITE: What did she do to
10 make them say that she was unprofessional?

11 **A. Well, I believe it was the way she was**
12 **talking to the supervisors during an incident.**

13 Q. And you were written up for that as well?

14 **A. Because I stated she was -- I felt she was**
15 **acting in a professional manner while doing her duty.**
16 **I didn't know about the run-in with the supervisor. I**
17 **knew about what was being questioned within her job.**
18 **When she was questioned she became unprofessional with**
19 **the supervisor which I was not there for. But when I**
20 **did my paperwork I had logged that she was carrying**
21 **herself in a professional manner. That got tied into**
22 **one big event between doing her job and having the**
23 **run-in with the supervisor.**

24 Q. Okay. What was the consequence of you being
25 written up for that if any?

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1 **A. That one was thrown out. There was no**
2 **discipline. It was washed.**

3 Q. Tell me about the next write-up that you
4 recall.

5 **A. That would have been one with me and a**
6 **co-worker. We had words.**

7 Q. Was there a physical altercation leading to
8 this?

9 **A. No.**

10 Q. And what was the consequence of you being
11 written up for this incident?

12 **A. That was a verbal.**

13 Q. When you say a verbal what do you mean?

14 **A. To not do it anymore. Stop that conduct.**

15 Q. Do you recall when this verbal was given,
16 what year?

17 **A. No clue.**

18 Q. Do you know if it was before or after June
19 26, 2019?

20 **A. Before.**

21 Q. Tell me about the next write-up that you
22 recall.

23 **A. The next one was written up and that was**
24 **actually a failure to follow a written order.**

25 Q. And what order were you accused of failing to

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1 follow?

2 **A. I still to this day I'm unsure of.**

3 Q. Do you know what that incident had to deal
4 with, what it involved?

5 **A. I had a female on a block law librarian, she**
6 **was watching an inmate masturbate partaking in the**
7 **sexual act by watching. And I came across the**
8 **intercom and asked her how long she was going to stand**
9 **there and watch him masturbate to her and to get the**
10 **fuck off the block to be frank, sir.**

11 Q. And what was the consequence of you being
12 written up for that?

13 **A. I ended up getting suspended. It was a two**
14 **day stayed, one day served suspension.**

15 Q. When you two day stayed, one day served tell
16 me what you mean by that.

17 **A. So the way I believe it's done it's an**
18 **administrative thing. So I actually had a three day**
19 **in my folder but I only had to serve one day on the**
20 **street as a penalty but the three day stay in your**
21 **folder. So if you get further discipline it jumps to**
22 **like a five day discipline.**

23 Q. Okay. What's the next write-up that you
24 recall?

25 **A. Those are the only three of that sort that I**

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1 recall. Like I said, other than some call-offs or they
2 call it a pattern if you call certain days within a
3 timeframe they feel like you're extending a weekend,
4 something like that. Other than that those are the
5 only three that I recall.

6 MR. CARMELITE: And, Riley, other
7 than the one I'm not going to let him answer questions
8 about it.

9 MR. ROSS: Right. And actually I
10 think I kept this in the timeframe of up until June
11 26, 2019.

12 MR. CARMELITE: Fair.

13 BY MR. ROSS:

14 Q. Up until June 26, 2019 had you, are you aware
15 of any complaints that were made about you by any
16 inmates of the Dauphin County Prison?

17 **A. Complaints?**

18 Q. Yes.

19 **A. I had many complaints, yes.**

20 Q. Did any of those complaints -- let me ask you
21 this. What is or what was at the time the protocol for
22 dealing with complaints at Dauphin County Prison to
23 the extent that you know?

24 **A. Just a complaint?**

25 Q. Yes.

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1 **A. Sometimes they stopped administration white**
2 **shirt Lieutenant and made complaints. One made**
3 **complaints to other staff member, sergeant.**

4 Q. Did any of complaints that you're aware of
5 from inmates involve an excessive use of force?

6 **A. I would imagine some of them.**

7 Q. Have any of those complaints resulted in any
8 discipline against you?

9 **A. No.**

10 Q. Have any of those complaints resulted in an
11 investigation of those allegations?

12 **A. An investigation of what kind?**

13 Q. Well, that would be my next question, if
14 there was anything that you would consider an
15 investigation, have any of those complaints led to an
16 investigation into the allegations?

17 **A. I imagine most of them were investigated**
18 **inhouse.**

19 Q. Have you for any of those complaints have you
20 received any type of interviews, questioning about the
21 allegations?

22 **A. Interviewed by who?**

23 Q. Anyone.

24 **A. Yeah.**

25 Q. Let's start with one of the interviews that

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1 you recall. What was the allegation?

2 **A. I've been talked to and investigated numerous**
3 **times. I couldn't break each individual one down.**

4 Q. Just tell me about the ones that you
5 remember. Do you recall being interviewed about an
6 allegation regarding the excessive use of force I want
7 you to tell me what you remember about that interview
8 and about the allegations. So let's just start with
9 any that you remember.

10 **A. I really don't remember any of them. To be**
11 **honest with you I've been out of there for what, a**
12 **year. And those were are years away.**

13 Q. So there are no allegations that you -- let
14 me start with this. Do you recall any allegations
15 against you involving the excessive use of force?

16 MR. CARMELITE: Are you asking
17 specifically or generally?

18 MR. ROSS: I'm asking about anything
19 that he recalls an inmate making an allegation against
20 him saying that he used force against that inmate
21 excessively.

22 MR. CARMELITE: And I think what he's
23 testifying to is that he remembers generally that
24 someone's made that allegation. I don't know if he
25 specifically can tell you I remember Inmate X made

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1 this specific allegation in this specific
2 investigation. If I'm wrong he'll correct. I think
3 that's what he's saying.

4 But you can, essentially he wants to
5 know do you remember any specific instance of an
6 inmate making an allegation and there being an
7 investigation. Do you?

8 **A. No.**

9 Q. Officer Danner, I know that you may not
10 remember every specific detail of anything but I got
11 to believe that you remember something. So what I'm
12 asking is just that something that you remember. If
13 it's, hey, I remember an inmate, I can't tell his name
14 but he said that I hit him in the head and I didn't do
15 it. Some guy said that I tripped him and I didn't do
16 it. That's what I'm asking you.

17 What do you recall about any
18 allegations against you regarding the use of force
19 even if it's very again or it's very specific. I want
20 to know what you recall.

21 **A. That's what I'm saying. I've had multiple**
22 **complaints of people claiming I have done, used force**
23 **when it wasn't supposed to be used. You know what I**
24 **mean, like that's in fifteen years using force in the**
25 **prison it was used weekly, monthly. Just taking**

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1 **somebody by the arm is a use of force and they**
2 **complained that I've escorted them by taking them by**
3 **their arm or putting handcuffs on them when they**
4 **weren't supposed to be handcuffed. That kind of**
5 **stuff.**

6 Q. Well, let me ask you this. When complaints
7 are made I'm assuming they can made in different forms
8 with one of those forms being filing some type of
9 grievance. Is that one method that an inmate can make
10 a complaint at the Dauphin County Prison?

11 **A. Correct.**

12 Q. When a grievance is filed against a
13 correctional officer and this is just to the extent
14 you know, when a grievance is filed against a
15 correctional officer is the correctional officer made
16 aware of that grievance?

17 **A. Usually yes.**

18 Q. And if a grievance is filed against a
19 correctional officer does that grievance get
20 investigated by someone other than the correctional
21 officer that it's made about?

22 **A. Yes. Usually the shift commander.**

23 Q. And do you recall having a grievance being
24 filed against you that was investigated by a shift
25 commander that involved the use of force?

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1 **A.** That's many. Over my fifteen years, as I
2 **said, any time you used force the majority of the time**
3 **there were complaints. Not all the time grievances, a**
4 **majority complaints, sometimes grievances. But there**
5 **were many grievances over my fifteen years that were**
6 **filed.**

7 Q. Other than file a grievance are there any
8 other ways that you're aware that an inmate can make a
9 formal complaint? And by formal I mean something
10 other than just telling someone that hey, I'm
11 complaining about this. Is there any other method that
12 they can make a complaint other than filing a
13 grievance?

14 **A.** Well, the grievance was filed through papers.
15 **So we've had many complaints. Grievances they would**
16 **file through paper and put them into the shift**
17 **commander or it would go up front depending on how**
18 **they addressed it. The Deputy Warden, the director of**
19 **security.**

20 Q. And when a grievance is investigated is there
21 a finding that is made relating to that grievance?

22 **A.** I assume so. I never seen a finding
23 **personally. We don't get the finding.**

24 Q. Have you ever been informed that a grievance
25 against you led to an investigation, that the outcome

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1 was that that grievance was substantiated meaning that
2 that grievance was found to have been true by someone?

3 **A. No.**

4 Q. Have you ever been told that a grievance that
5 was filed against you that was investigated was found
6 to have not been not substantiated meaning to have
7 found to have not been true or supported by the facts?

8 **A. So the grievance -- repeat that.**

9 Q. Have you ever been told that a grievance
10 filed against you was found to have been not
11 substantiated?

12 **A. Was I told?**

13 Q. Yes.

14 **A. Probably.**

15 Q. Are you aware of any grievances ever being
16 filed against you involving the use of a restraint
17 chair?

18 **A. No.**

19 Q. So we talked about you having write-ups.
20 Have you ever had a write-up against you involving the
21 use of force?

22 **A. No.**

23 MR. CARMELITE: Other than the ones
24 that we're not going to talk about?

25 MR. ROSS: Yes. Yes.

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1 Q. So I have been asking you questions up until
2 June 26, 2019. So between regarding the incident of
3 June 26, 2019 do you know if you were written up in
4 any way related to that incident involving Ty'rique
5 Riley?

6 **A. I was not.**

7 Q. Did you receive any discipline in relation to
8 the incident involving Ty'rique Riley?

9 **A. No.**

10 Q. After June 26, 2019 not counting the incident
11 in which is the subject of a disciplinary or subject
12 of an appeal of a disciplinary action were you written
13 up in connection with any other any other allegations
14 after June 26, 2019?

15 **A. Was I written up after the 26th of '19?**

16 Q. Yes. Not counting the incident that led to
17 your leaving Dauphin County Prison.

18 **A. I believe that was third write-up that I**
19 **discussed with you. The inmate masturbating. I**
20 **believe that was after that date.**

21 Q. Any other write-ups after June 26, 2019 other
22 than what we're not talking about?

23 **A. No.**

24 MR. ROSS: Don, I don't think that
25 you would have control over this. I don't think you

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1 would have control of this but the disciplinary file,
2 I don't believe that we have that . So I'm going to, I
3 can make a formal request, Frank. I'm assuming that
4 would be something in your possession and not Don's.

5 MR. CARMELITE: We can address it.

6 MR. LAVERY: Yeah. Just make a
7 request, Riley, and we'll respond.

8 MR. ROSS: All right. Will do.

9 BY MR. ROSS:

10 Q. Officer Danner, I want to talk about your
11 training right now. On June 26, 2019 as correction
12 officer what did you consider your duties to be as a
13 correctional officer?

14 **A. Duties?**

15 Q. Yes.

16 **A. Standard duties of a correctional officer.**

17 Q. Yes. What did you consider those to be?

18 **A. Care, custody and control. That was the job.**

19 Q. Did you receive, I want to ask you about
20 training and whether or not you received instruction
21 in the law. Did you receive updates on legal decisions
22 regarding Constitutional violations such as the 4th
23 Amendment and the 8th Amendment?

24 **A. You asked if I received training on them?**

25 Q. Yes. I'm asking as a form of training did you

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1 receive updates on legal decisions that were being
2 made about Constitutional violations regarding the 4th
3 Amendment and the 8th Amendment?

4 **A. I don't know what the Amendments are so I**
5 **don't know how the training that I was receiving and**
6 **those come together.**

7 Q. Do you recall ever receiving training
8 regarding being provided updates on legal decisions
9 that were being made in the courts?

10 **A. Yes.**

11 Q. Tell me what you recall, what training do you
12 recall receiving in that interview?

13 **A. The one specifically was with the pregnant**
14 **females in transporting them. That was one I remember**
15 **specifically.**

16 Q. And that involved a legal decision that had
17 been handed down from the courts?

18 **A. Correct. I think it was when Rendell was in**
19 **office.**

20 Q. Any other time that you recall being told
21 about legal decisions coming down from the Court?

22 **A. I don't remember specifically. But I imagine**
23 **during training that they were spoken about.**

24 Q. I'm going to show you an exhibit. Give me a
25 second to pull that up. Do you see that exhibit there?

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1 **A. Yes.**

2 Q. And we'll call this Danner 1. It begins as
3 bate stamp Dauphin DFS 233. Officer Danner, do you see
4 that notation at that bottom that I'm referring to
5 that says DFS 233?

6 **A. Yes.**

7 Q. That is a what we call bate stamp. It's a way
8 of marking documents that will help us to identify
9 them easily. And I will represent to you that that is
10 a marking that has been put on this document by
11 Dauphin County. And so I may refer to that, those
12 numbers as a way to know what we're talking about and
13 to identify what we're talking about.

14 I'm going to go back to the top of
15 this document. Do you see there it says Dauphin County
16 Prison at the top, title Use of Force, Chapter 9,
17 Security and Control. Subject, Use of Force Training.
18 Do you see all that there?

19 **A. Yes.**

20 Q. Do you know if you, do you recall having seen
21 this document before?

22 **A. I have.**

23 Q. Can you tell me what it is. And I can scroll
24 through it if you need to?

25 **A. That was the use of force at the time for a**

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1 **majority of my employment there, yes.**

2 Q. When you say use of force what do you mean?
3 Let me ask you that again. I'm sorry. Are you saying
4 is this a use of force manual or some type of training
5 document?

6 **A. This would have been the policy that was**
7 **shown to us and gone over throughout the training.**

8 Q. Okay. Got it. Let me pull that down because I
9 don't think that's the one I wanted to show you just
10 yet. Give me one second.

11 I'm going to page 2 of the document.
12 Do you see there the part that says the law?

13 **A. I do.**

14 Q. Do you recall receiving instruction on, and
15 you can read this first if you want and I can go to
16 the next page because it continues to the next page
17 just to familiarize yourself with it. So why don't
18 you take a second to look at it and then let me know
19 if you need me to move to the next page.

20 **A. Okay.**

21 Q. That's the end of the document. Just let me
22 know when you get there.

23 **A. Okay.**

24 Q. Do you recall receiving any training
25 regarding these legal decisions that have been

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1 mentioned in these paragraphs you just read?

2 **A. I received training on the context of that**
3 **stuff. The legal names I don't ever remember being**
4 **brought up but we've seen these forms. And that**
5 **context of most of those were discussed and brought**
6 **forward, yeah.**

7 Q. Is this something that was discussed and
8 brought forward once or is this something that's done
9 annually?

10 **A. It's supposed to be done annually.**

11 Q. Did it happen annually for you?

12 **A. I believe it did.**

13 Q. Who provided that training?

14 **A. The training instructors that went from -- I**
15 **had a couple within my time.**

16 Q. And for annual training would this be part of
17 a -- let me start over. Is there a set time of year
18 where you received this annual training?

19 **A. I'd say yeah. It was usually towards the**
20 **beginning I believe of the year but I don't know if it**
21 **was followed on a dead schedule like they had**
22 **something. Like I don't remember it being the exact**
23 **same week of the month of that same year. You know**
24 **what I mean?**

25 Q. Was this something that you when you attended

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1 this training was there some type of verification that
2 was done to verify that you had attended the training?

3 **A. We had to sign in.**

4 Q. And do you know if that is something that is
5 kept as a record, something that you could actually
6 access to see what type of training you had?

7 **A. I'm unsure.**

8 Q. I want to talk next about away from the legal
9 decision to policies regarding the use of force. Do
10 you recall other than we looked at the beginning of
11 this document talks about the use of force. Is there
12 a manual that you receive as a correction officer that
13 outlines the prison use of force policy?

14 **A. A manual?**

15 Q. Yes.

16 **A. No.**

17 Q. I'm going to show you a document. I pulled
18 up what is bate stamped Dauphin DFS 244 and I'm going
19 to scroll through this and I want to know first if
20 this looks familiar to you? Does any of this look
21 familiar?

22 **A. It does. It looks like the power points for
23 what we would have during our training.**

24 Q. So during your training you're presented --
25 one way that your training occurs is that you're

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1 presented power points?

2 **A. Correct.**

3 Q. Do you recall if this particular document is
4 something that you ever actually received a physical
5 copy of?

6 **A. I could have but I'm not positive if I**
7 **received this exact document.**

8 Q. We're going to label this as Danner 2. And
9 I'll represent that it goes from Dauphin DFS 244 to
10 288.

11 Could you tell me what your
12 understanding of the use of force policy is within
13 Dauphin County Prison.

14 MR. CARMELITE: At what point in
15 time?

16 Q. Thank you. As of June 26, 2019 what was your
17 understanding of the Dauphin County Prison's use of
18 force policy?

19 MR. LAVERY: I'm just going to object
20 to form on that, Riley.

21 Q. As of June 26, 2019 what was your
22 understanding of the use of force policy within the
23 Dauphin County Prison?

24 **A. I don't understand what you want, my**
25 **understanding of the use of force.**

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1 Q. What did you understand that you were allowed
2 to do and that you weren't allowed to do when it came
3 to using force against inmates at the any Dauphin
4 County Prison.

5 MR. LAVERY: Same objection to form.
6 It's overbroad and vague.

7 Q. Do you understand my question, Officer?

8 MR. CARMELITE: You can answer if you
9 understand the question.

10 **A. I'm not understanding it fully with my**
11 **understanding of use of force. The use of force was to**
12 **go with the policy that the policy lays out the use of**
13 **force.**

14 Q. Okay. And that's what I'm asking you, what
15 was your understanding of the policy, like what did
16 the policy tell you you could and could not do?

17 **A. It allowed us --**

18 MR. LAVERY: Before you answer. Same
19 objection. Overbroad, vague.

20 Q. Go ahead, Officer Danner.

21 **A. So it allowed us to use force when it was**
22 **necessary to use force.**

23 Q. Are you familiar with the use of force
24 continuum?

25 **A. Yes.**

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1 Q. What's your understanding of the use of force
2 continuum? First of all, was there a use of force
3 continuum outlined in the use of force policy at
4 Dauphin County Prison?

5 **A. Yes.**

6 Q. What was your understanding of that
7 continuum?

8 **A. What was the use of force continuum or**
9 **what --**

10 Q. Yes. What was your understanding of -- you
11 said that you're aware of the use of force continue.
12 What's your understanding of what that continuum was
13 as of June 26, 2019?

14 **A. My understanding of it when there was a**
15 **resistance presented we were allowed to use equal or**
16 **one level above on the force continuum to keep control**
17 **or gain control of a situation.**

18 Q. Okay. And levels of force what was your
19 understanding of, first of all, were there different
20 levels of force that you could apply?

21 **A. Yes.**

22 Q. Tell me what your recollection of those
23 levels of force were as of June 26, 2019?

24 **A. It was officer presence, it was verbal**
25 **command, it was soft empty hands. At that time it was**

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1 **hard empty hands, intermediate weapons and then lethal**
2 **force.**

3 Q. You said that at that time it was hard empty
4 hands. Did that sometime, did that somehow change at
5 some point?

6 A. I believe OC spray was put in there at some
7 point in time. I don't remember the date because we
8 started carrying OC spray on our side but that would
9 have been because it's not considered a chemical
10 munition so it fell between, the way we were trained
11 it fell between the, with the soft empty hand, hard
12 empty hand process.

13 Q. Did the use of force policy as of June 26,
14 2019 did it include any instruction on deescalation?

15 A. I do not recall if they had deescalation
16 within that policy.

17 Q. Give me one second. I'm going to pull up
18 another exhibit. I just pulled up what's been bates
19 stamped Dauphin DFS is 227. It says at the top
20 Security Title 37, Chapter 95, Section 95-241. Let me
21 get the range of this document before I ask you about
22 it. It goes up to Dauphin DFS 232. I'll start with
23 the first page there and I'm going to give you a
24 chance to look at this because I'm going to ask you if
25 you recognize this document. Do you recognize this

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1 document?

2 **A. It's not one that strikes in my head, no.**

3 Q. I'm going to scroll through just so you can
4 see it. I'm going to ask you some specific questions
5 and then when we get there I'll give you a chance to
6 read it. But I'll just scroll through just to see if
7 it's -- and one thing I forget to say that the first
8 page says on the top right hand corner Local Policy
9 Chapter 9.22. The second page says Policy 9.17. So it
10 appears that the first page may be a cover letter for
11 the rest of it. But the second page is pages 1 through
12 5, it says Use of Force, PPCT Defensive Tactics
13 Instructor Manual. So just seeing that title is that
14 something that rings a bell with you as something
15 you've seen before?

16 **A. The names up there sound familiar yeah but.**

17 Q. Let me go back to the first page. You see
18 that is signed there by Warden Brian S. Clark?

19 **A. Correct.**

20 Q. Was he the Warden on June 26, 2019?

21 **A. What was the date?**

22 Q. June 26, 2019.

23 **A. I'm unsure when he received his promotion. He**
24 **was the Warden. I don't know up to what date and then**
25 **he went to the Director of Corrections at some point**

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1 **in time in that timeframe. I don't know when that was.**

2 Q. Do you see there that they're in the third
3 paragraph under procedure it says, "Any hands-on or
4 use of force against any inmate shall be reported
5 immediately to the on-duty Shift Commander who shall
6 insure the inmate is seen immediately by a medical
7 professional and have the incident documented."

8 Did you believe that to be the
9 policy as of June 26, 2019?

10 **A. Yeah.**

11 Q. And in the last paragraph says, "All use of
12 force incidents shall be documented and forwarded to
13 the administration for review and reporting to the
14 District Attorney's Office as well as the Pennsylvania
15 department of Corrections."

16 Did you believe that to be the
17 policy on June 26, 2019?

18 **A. Yes.**

19 Q. I'm going to skip to pages 228 and 229 bate
20 stamp. Paragraph 4, I want you to read that and read
21 that through up until No. 5 on the next page and let
22 me know when you're done.

23 **A. You said 5 also?**

24 Q. Not yet. Just 4.

25 **A. Okay.**

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1 Q. Do those in Paragraph 4 represent the
2 continuum of use of force that you just spoke of?

3 **A. Yeah.**

4 Q. And you were trained on those, that use of
5 force continuum?

6 **A. Correct.**

7 Q. And with regard to, go ahead and read
8 Paragraph 5, please.

9 **A. Okay.**

10 Q. Do you recall being trained on ways that the
11 escalating levels of resistance by a subject, do you
12 recall being trained on those levels?

13 **A. Yes.**

14 Q. Is that something that came up during your
15 annual training or were you trained on it just once?

16 **A. That was part, that 5 was part of the annual
17 training.**

18 Q. Okay. Regarding Ty'rique Riley, we'll get
19 into more on him in just a second. But regarding
20 Ty'rique Riley did you ever fill out a use of force
21 form in relation to your encounter with him on June
22 26, 2019?

23 **A. What do you mean use of force form?**

24 Q. I'm just asking you, did you fill out a use
25 of force form?

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1 **A. We don't have use of force forms on our**
2 **level.**

3 Q. When you say our level what are you referring
4 to?

5 **A. As a CO.**

6 Q. Is there a method for you reporting the use
7 of force on an inmate as a CO?

8 **A. It gets reported to the shift Commander,**
9 **Lieutenants, Captains. Usually a disciplinary report**
10 **would be filed by an officer and memos would be filed**
11 **by involved officers.**

12 Q. What if anything did you do to report the use
13 of force relating to Ty'rique Riley in your encounter
14 with him on June 26, 2019?

15 **A. I know I did a memo.**

16 Q. And is that the memo that you mentioned that
17 you mentioned that you had reviewed in preparation for
18 your deposition here today?

19 **A. Yes.**

20 Q. Are there any other things that you did to
21 report use of force involving Ty'rique Riley on June
22 26, 2019?

23 **A. I don't believe so. The Shift Commander was**
24 **present so there was no need to report it. It was**
25 **policy or procedure to do the standard paperwork for**

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1 **an officer. But the Shift Commander was already aware.**

2 Q. Had you ever, up until June 26, 2019 had you
3 received any training in the use of restraint chairs
4 involving inmates?

5 **A. Yes.**

6 Q. Was this training that was done just once or
7 was it part of your annual training?

8 **A. I don't recall if it's annual. I don't think**
9 **it would have been. I don't remember doing it annual**
10 **per se. But I remember we went over the restraint**
11 **chair several times in my career.**

12 Q. When you say we went over the restraint chair
13 what do you mean?

14 **A. We trained with it as in the function of the**
15 **restraint chair.**

16 Q. Did that training include instruction on when
17 and when not to use the restraint chair?

18 **A. I as a CO couldn't make the decision when or**
19 **when not to use the restraint chair. That was my**
20 **knowledge of the restraint chair. I knew how to**
21 **operate and was trained and shown and talked about how**
22 **to use it but I was not allowed to make the decision**
23 **to use the restraint chair in the back of the jail.**

24 Q. When you say in back of the jail what do you
25 mean?

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1 **A. Anywhere.**

2 Q. Whose decision was that if you know to use
3 the restraint chair?

4 MR. CARMELITE: In general or with
5 regard to Mr. Riley?

6 Q. In general. I think you were talking in
7 general about CO's are not allowed to make that
8 decision. So in general who is allowed to make that
9 decision if you know?

10 **A. The Shift Commander.**

11 Q. Did you receive any training as of June 26,
12 2019 in recognizing an individual's mental health
13 condition?

14 **A. We did have mental health training, yes.**

15 Q. Was that training done once or was it done as
16 part of your annual training?

17 **A. I'm considering like suicide training as
18 mental health training and that was done annually.**

19 Q. Okay. Other than suicide training any other
20 training that you believe constitutes mental health
21 training?

22 **A. I don't recall if it was done annually, no.
23 Some of the things we were trained in kind of, so you
24 were doing suicide training and mental health was
25 brought into that.**

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1 MR. CARMELITE: Riley, I don't mean
2 to interrupt your deposition but I can use a restroom
3 break. Like if you're hitting a conclusion on your
4 line I'll be happy to wait.

5 MR. ROSS: Okay. Let me just ask him
6 a question about policy and then we can take a break.
7 I'm going to shift to something else.

8 MR. CARMELITE: Okay.

9 BY MR. ROSS:

10 Q. Do you know as of June 26, 2019, do you know
11 if there was a policy at Dauphin County Prison
12 regarding the reporting of bad behavior by a
13 co-worker?

14 MR. LAVERY: Object to form.

15 Q. Let me restate that. I'll restate the
16 question. Do you know if as of June 26, 2019 if there
17 was a policy at the Dauphin County Prison that covered
18 the reporting of policy violations by a co-worker?

19 **A. So you're saying if I knew something was**
20 **wrong was there a policy for me to report?**

21 Q. Yes.

22 **A. I'm not sure if there was a policy but we**
23 **were -- you're required to report a violation or a**
24 **wrongdoing?**

25 Q. That requirement extends to co-workers?

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1 **A. Correct.**

2 Q. And you don't know if that was a policy that
3 you that was written, do you know if it was a policy
4 that was written?

5 **A. I am not sure if there was a written policy**
6 **that we, no. I'm not sure.**

7 Q. Do you recall how you were made aware of the
8 rule requiring you to report wrongdoing by a
9 co-worker?

10 **A. Throughout trainings.**

11 MR. ROSS: Why don't we take a break
12 here. Do you want to come back at 9:30.

13 MR. CARMELITE: Yes.

14 MR. LAVERY: That's fine.

15 (Recess taken.)

16 BY MR. ROSS:

17 Q. Officer Danner, I want to go back to the
18 policy regarding reporting co-workers for wrongdoing.
19 Had you ever reported a co-worker for wrongdoing?

20 **A. No. Not officially.**

21 Q. Okay. Have you ever unofficially or
22 officially reported a co-worker for anything involving
23 the use of force?

24 **A. No.**

25 Q. I want to shift now to talk about

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1 specifically Ty'rique Riley. When is the first time
2 you came into contact with Ty'rique Riley?

3 **A. The morning of that incident.**

4 Q. And can we agree that that incident you're
5 referring to is the date that he was put into the
6 restraint chair?

7 **A. Yes. That's the only time I had contact. Up**
8 **to that point.**

9 Q. I'm sorry. Say that again.

10 **A. Up to that point that's the only point I had**
11 **contact with Riley.**

12 Q. Okay. And I'll represent that that date was
13 June 26, 2019. So you had not come into contact with
14 Ty'rique Riley before June 26, 2019; is that correct?

15 **A. Not I recall, no.**

16 Q. How did you come to come into contact with
17 Ty'rique Riley on June 26, 2019?

18 **A. I was ordered to do a transport.**

19 Q. Who gave you that order?

20 **A. The actual order came from central control is**
21 **who I got the call from.**

22 Q. When you say you got the call, is that
23 something that came over your radio?

24 **A. No. By a phone.**

25 Q. And were you provided any information as to

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1 why the transport was needed?

2 **A. Not at that time, no.**

3 Q. At some point later were you provided
4 information as to why the transport was needed?

5 **A. Yes.**

6 Q. When were you provided with that information
7 and what was that information that you were provided?

8 **A. I believe it was when I went up to central**
9 **control to get, to basically drop off some of my**
10 **property in that area to get prepared to go to the**
11 **transport at which time we were told that we were**
12 **transporting him.**

13 Q. So when you say we were transporting him who
14 are you referring to?

15 **A. Myself and the other transport officer**
16 **Singleton.**

17 Q. And what what's Singleton's first name?

18 **A. Steve.**

19 Q. And as of that date what was his title if you
20 know?

21 **A. CO.**

22 Q. So you get the order, you get the phone call
23 that you're going to have to transfer someone. This
24 phone call is coming from central control and at some
25 point you went up to central control. What did you do

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1 between the time you got the phone call and you went
2 up to central control? What if anything did you do
3 between those two times?

4 **A. Gathered some of my property up where I was**
5 **working, where I started my shift that day which was**
6 **out on P Block.**

7 Q. What shift were you on that day?

8 **A. First shift, 6 to 2.**

9 Q. 6:00 A.M. to 2:00 P.M.?

10 **A. Correct.**

11 Q. And you were on P block that day?

12 **A. That was my assigned post from roll call,**
13 **yeah.**

14 Q. And approximately what time did you get the
15 call from central control saying that you needed to do
16 a transport if you know?

17 **A. Unsure.**

18 Q. Was it closer to, well, strike that. After
19 gathering your property did you then go to central
20 control or did you do something else?

21 **A. No. I went immediate to central.**

22 Q. And what were you told at central about the
23 nature of the transport?

24 **A. We were doing a transport on Ty'rique Riley**
25 **and it was an emergency transport by county vehicle is**

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1 **the term that was used.**

2 Q. What else were you told?

3 **A. I don't know what else we were told at that**
4 **point in time.**

5 Q. An emergency transport by county vehicle.
6 What does that mean?

7 **A. That means we're transporting within our**
8 **prison vehicle, our secure vehicle.**

9 Q. And by saying emergency transport does that,
10 the fact that it's called an emergency transport does
11 that make it different than some other type of
12 transport?

13 **A. Yeah. We would have other transports for say**
14 **a doctor's appointment, stuff like that, absolutely.**
15 **Or transport to a hospital that wasn't, what would be**
16 **considered. We don't determine the emergency. That**
17 **would be the medical staff.**

18 Q. Okay. And when that determination is made
19 that it's an emergency transport does that make that
20 transport somehow different than other types of
21 transports?

22 **A. It makes it priority. It makes it a little**
23 **more urgent.**

24 Q. And did you consider this transport to be
25 more urgent than other transports?

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1 **A. When I'm told by emergency transcript by**
2 **county vehicle, yes.**

3 Q. Were you told why this was designated as an
4 emergency transport by county vehicle?

5 **A. I don't know when I was told but I was told**
6 **at some point in time of why we were doing the**
7 **transport, yes.**

8 Q. What were you told?

9 **A. That it was altered mental status was the**
10 **term that was used.**

11 Q. And who told you that?

12 **A. I'm not sure. Like I said, I don't know when**
13 **that came into play. I don't know if it was from**
14 **central or when we were getting, what we call geared**
15 **up, our equipment to do the transport. But it was**
16 **within that timeframe of central to getting our**
17 **equipment for transport.**

18 Q. So you were told that it was an altered
19 mental state before you encountered Ty'rique Riley?

20 **A. Correct.**

21 Q. Anything else that you were told about this
22 transport before you encountered Ty'rique Riley?

23 **A. Not that I can recall at this point.**

24 Q. I want to go back to the designation of
25 emergency transport by county vehicle. Are there any

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1 other types of transport that you would be involved in
2 other than by county vehicle?

3 **A. We would be involved in all transports other**
4 **than what would be a standard transport for like court**
5 **and that's by Sheriffs but the doctors' appointments,**
6 **emergency transports. Anything outside of like taking**
7 **somebody to court which the Sheriffs do we do the**
8 **transports.**

9 Q. And my question is, would there be a
10 transport that would be done in any other fashion
11 other than by a county vehicle?

12 **A. For that situation?**

13 Q. For any types of transports. That's what I'm
14 asking. Like for instance, like if an ambulance came
15 would that be considered a transport that you would be
16 involved with but it's not involving a county vehicle?

17 **A. Yes.**

18 Q. Okay. Is there something about using the
19 county vehicle take makes a transport different than
20 other types of transports?

21 **A. Other than we're using county vehicles both**
22 **officers are in that vehicle. If an ambulance would**
23 **come we would have one officer in a vehicle, one**
24 **officer in an ambulance.**

25 Q. Let's talk about emergency transports. Is

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1 there such a thing as an emergency transport that's
2 done by ambulance?

3 **A. Yes.**

4 Q. Is there any type of significance in the fact
5 that emergency transport is done by county vehicle
6 versus one done by ambulance?

7 MR. CARMELITE: Objection to form.
8 You can answer.

9 **A. Repeat.**

10 Q. Is there any significance in the fact that a
11 transport is designated it being done by emergency
12 transport by county vehicle versus an emergency
13 transport by ambulance?

14 **A. What do you mean by significance?**

15 Q. So if let's say that their designation is
16 done by emergent by county vehicle does that speak to
17 it being a more urgent matter than waiting for an
18 ambulance to arrive to do the emergency transport?

19 MR. CARMELITE: Objection to form.
20 You can answer.

21 **A. Both are emergency transports. Like I said,**
22 **we don't make the decision of how the transport goes**
23 **out. That's made by medical staff.**

24 Q. So from your perspective though what I'm
25 asking is, if you're told hey, we're going to do an

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1 emergency transport by county vehicle does that to you
2 signify that the matter is more urgent than an
3 emergency transfer that's done by ambulance?

4 MR. CARMELITE: Objection to form.
5 You can answer.

6 **A. Both are urgent. Both are an emergency**
7 **transport.**

8 Q. I understand that. Is the one done by county
9 vehicle does that signify to you that it is more
10 urgent or does it not signify the urgency?

11 **A. No.**

12 MR. CARMELITE: Objection to form.
13 You can answer.

14 **A. No. To me it doesn't, an emergency transport**
15 **is an emergency transport. We're trying to get there**
16 **as soon as possible. That's for to us get up, get**
17 **armed and do what we have to do immediately.**

18 Q. When you are directed to make an emergency
19 transport are there any forms that you have to fill
20 out that will lead towards to you making that
21 transport?

22 **A. No. I have no forms to fill out.**

23 Q. Is there anything that you have to do to
24 signify to for instance those on P Block that you're
25 leaving to go do this emergency transport?

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1 **A. Just let them know. All we do is tell them.**

2 Q. Do you need to sign out the county vehicle
3 when you do the emergency transport?

4 **A. We don't sign out a county vehicle. No. The**
5 **county vehicle will be issued. The keys and the stuff**
6 **that we need are all signed out too. We have a form in**
7 **the vehicle that we fill out.**

8 Q. Is there anything that you can think of that
9 would represent the time that you received the call to
10 make the emergency transport?

11 **A. Repeat that again.**

12 Q. Is there anything that you can think of that
13 would be documented that would represent the time that
14 you received the call to make the emergency transport?

15 **A. No.**

16 Q. Did you have a sense of urgency with regard
17 to this particular emergency transport?

18 **A. Yes.**

19 Q. And I want you to tell me, you described that
20 you got the call and you went to control. Is there
21 anything else that happened at central control that
22 you haven't spoke to me about?

23 **A. Not take I recall, no.**

24 Q. And what did you do next after leaving
25 central control?

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1 **A. We go up front to the armory.**

2 **Q. When you say we who are you referring to?**

3 **A. Myself, Singleton and a Shift Commander or**
4 **somebody who's able to issue the firearm and duty**
5 **belts and transport box.**

6 **Q. Do you know who that Shift Commander was?**

7 **A. I do not know who signed the equipment out to**
8 **us, no.**

9 **Q. What is the purpose of going to the Armory?**

10 **A. To get the proper equipment we need to do a**
11 **transport.**

12 **Q. And what is that equipment that you gather?**

13 **A. That's the duty belt, the transport kit.**

14 **Q. Anything else?**

15 **A. Sometimes the Shift Commander, I don't recall**
16 **in this instance. The Shift Commander will have like**
17 **a vehicle key. That's issued at that point in time.**

18 **Q. And for the duty belt describe to me what is**
19 **a duty belt?**

20 **A. A duty belt is just a belt that goes over top**
21 **of your regular belt to secure. It has a holster for**
22 **your pistol. It has a magazine holder that holds two**
23 **magazines. It has OC spray. It has handcuffs and at**
24 **the time I wasn't sure if were carrying an ASP baton**
25 **and if we were not carrying an ASP baton it had a**

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1 baton loop on it for what we used to have issued or
2 could have been issued was an PR-24. But when I was
3 there we never were issued that PR-24. When I was
4 there we never were issued that PR-24. You asked about
5 baton. I don't know when that was implemented into
6 our duty belt.

7 Q. What is the transport kit?

8 A. It looks like a tool box. I has a padlock on
9 it. When you open up it has a leather belt with a
10 D-ring. It usually has two handcuffs in it, two sets
11 of shackles, flash light, spit shield, a metal
12 transport belt, it looks like a chain. And flex cuffs
13 or they look like zip ties, a set of flex cuffs.

14 Q. And you stated you had to sign these items
15 out?

16 A. They get issued to us. The Shift Commander
17 whoever is issuing it to us signs it out in a log in
18 the armory.

19 Q. Did you do anything else at the Armory?

20 A. Not that I recall. As I said, sometimes we
21 get issued papers so we'll get someone's medical
22 paperwork that we'll transfer paperwork there. I don't
23 know if that happened that day. But mostly we're up
24 here to get the duty belt and the transfer box.

25 Q. What happened next?

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1 **A.** We walk around to -- we leave there. We go
2 around to the what's called north sally. We arm the
3 weapon, enter north sally, secure the weapon, cell
4 phone. We get issued a cell phone also at the Armory.
5 We store the cell phone, the firearms, the ammo, the
6 tools that are on the belt into the box before
7 entering the back of the prison.

8 **Q.** And north sally you said; is that --

9 **A.** That's what we refer to it as north sally.

10 **Q.** Is that referring to a certain area of the
11 prison?

12 **A.** That's the main vehicle entrance that we use.

13 **Q.** What did you do next?

14 **A.** After we unloaded our stuff into the box we
15 went into the lobby.

16 **Q.** And what happened next?

17 **A.** What I remember is from there we removed or
18 somebody removed, it would have been the opened up the
19 box and removed the leather box with the D ring and
20 the shackles. The inmate was not in the lobby and not
21 medical so we went through central to find out where
22 the inmate was and at that point what we're to do,
23 where we're to go to to get the individual for the
24 transport.

25 **Q.** And did you learn where the inmate was?

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1 **A. We did.**

2 **Q. What did you do next?**

3 **A. Went to A-block. A-1 drive specifically.**

4 **Q. Why don't you describe to me what happened**
5 **next.**

6 **A. Walked up o the door. I was the first one at**
7 **the door. Looking in through the windows. Inmate**
8 **Riley was standing there. That's who we were taking to**
9 **transport. He was in a smock, suicide smock standing**
10 **inside the cell looking out at me.**

11 **Q. Keep going.**

12 **A. I gave the order for him to step back away**
13 **from the door. He did. At that time I motioned for the**
14 **door to be open and entered the cell.**

15 **Q. Tell me what happened next.**

16 **A. Beings he was in a smock I let him know we**
17 **need to remove the smock. He was going on a transport**
18 **and we need to put him into a uniform that I had with**
19 **me.**

20 **Q. When did you get that uniform?**

21 **A. I'm unsure of when or where I picked the**
22 **uniform up. I just know I had it with me.**

23 **Q. At some point were you informed that he would**
24 **need a uniform?**

25 **A. When we take inmates out on transports the**

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1 policy or the directive was that they were to be in a
2 uniform. They could not wear a smock in public, a
3 suicide smock.

4 Q. Were you told at some point before arriving
5 on A-block that Ty'rique Riley was in a suicide smock?

6 A. I believe I was told he was a Level 1 suicide
7 watch which means he would be in a suicide smock. So I
8 don't know if I was told I was in a smock but I was
9 told he was a Level 1 suicide watch to me that means
10 that it was standard for a Level 1.

11 Q. Do you remember who told you that he was a
12 Level 1?

13 A. No.

14 Q. What happened next after you told him that he
15 would need to change out of his smock into his
16 uniform?

17 A. He kind of stood there and stared at me,
18 didn't give me any response verbally. It was repeated
19 several times. During one of those he reached up. His
20 smock has Velcro. As if he was going to remove the
21 smock, grabbed ahold of the Velcro. But he didn't
22 remove the -- I don't recall him removing the smock.
23 At that point I remember him standing in front of me
24 without the smock on.

25 Q. Okay. What happened next?

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1 **A.** I offered him the uniform. I told him he
2 needed to put the uniform on. I extended my arm with
3 the uniform in it. No response. Didn't say anything.
4 Just kept staring. Several times, hey, put the uniform
5 on was kind of addressed. At some point he grabbed my
6 arm and wrist.

7 **Q.** Keep going.

8 **A.** At which time we used force, I used force. I
9 regrabbed his arm and we ended up getting into -- and
10 it was physical.

11 **Q.** Up until the time before he grabbed your
12 wrist were you and Ty'rique Riley the only ones in the
13 cell?

14 **A.** No it was myself, Steve. I knew, that's who I
15 knew was in the cell at that time.

16 **Q.** And when he grabbed your arm, you said it got
17 physical, what happened when it got physical?

18 **A.** He came forward. We pulled him forward. And
19 the way it says is we tried to dress him. To me to
20 remember that now I remember reading that now but I
21 don't know of that. I pulled him forward, tried to put
22 the shirt on. He pulled it off because he didn't have
23 a shirt on.

24 We ended up having to take him to
25 the ground. Went to the ground. I had the upper

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1 **extremities. There was an officer who pulled his foot**
2 **out. The other foot was still on the ground so I swept**
3 **it out with my foot, placed my foot behind and kind of**
4 **pushed it forward taking him to the ground on his**
5 **back.**

6 Q. You stated that you didn't know, you read
7 that he tried to put the clothes on but you didn't
8 know that -- tell me what you mean.

9 **A. So in my statement I believe it was the CID**
10 **it says that we attempted to put the shirt on, pulled**
11 **him forward and attempted to put the shirt on. Like I**
12 **said, I can remember reading that now but I don't,**
13 **right now I don't remember that actual moment within**
14 **that incident.**

15 Q. And was it your intent to take Ty'rique Riley
16 to the ground?

17 **A. At that time, yes.**

18 Q. And what was the -- why was that your intent?

19 **A. The ground is safer for us to try to gain**
20 **control.**

21 Q. Did you believe that you did not have control
22 at the time before you took him to the ground?

23 **A. I did not have control.**

24 Q. Other than him grabbing your wrist what other
25 actions were being done by Ty'rique Riley to make you

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1 feel like you didn't have control?

2 **A. He was grabbing manipulating his body,**
3 **pushing into us just not allowing us to control him.**
4 **At that point we would be ordering him, we did order**
5 **him to cuff up as we were going through him stop**
6 **resisting.**

7 Q. Was he wearing any clothes at this time?

8 **A. No.**

9 Q. Okay. So at any point prior to you taking him
10 to the ground did he make any, did he say anything?

11 **A. No.**

12 Q. Did he make any noises of any kind, screams,
13 yells, laughter, anything like that?

14 **A. No screams, no laughter, he did make noise**
15 **but it was not, it was more of -- I don't even know**
16 **how to explain it. It was kind of like a noise you**
17 **would hear from like a goat, like a mad noise.**

18 Q. And how often did he make that noise before
19 you took him to the ground?

20 **A. At that point there were so many orders being**
21 **given I couldn't tell you how many times he made that**
22 **noise.**

23 Q. Did he make it more than once?

24 **A. I would say yeah.**

25 Q. When you took him to the ground did you go to

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1 the ground with him?

2 **A. I did.**

3 Q. Did anyone else go to the ground with him
4 other than you and him?

5 **A. Everything would have been behind me. I would**
6 **assume that they did in the positions that we were in**
7 **afterwards, yeah.**

8 Q. You mentioned that an officer had extended
9 his leg. Was that Officer Singleton?

10 **A. I'm not sure.**

11 Q. You mentioned, you just mentioned the
12 position that you were. In what position were you
13 when he went to the ground?

14 **A. He was in a position of on his back looking**
15 **up at me.**

16 Q. And you were on top of him?

17 **A. No. Not on top of him.**

18 Q. Where were you positioned?

19 **A. I was on my knees. I was over him but I**
20 **wouldn't say I was on top of him.**

21 Q. And where were his hands?

22 **A. One was definitely still on me. I don't know**
23 **where the other was. When he grabbed I want to say it**
24 **was my left arm, he held.**

25 Q. You're on the ground. Your position was as

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1 you stated. Tell me what happened next.

2 **A. The orders were to stop resisting, cuff up.**
3 **He refused. We were trying to use force to get the**
4 **restraints on him. At one point I got him rolled face**
5 **down so we could apply handcuffs with the hands behind**
6 **his back.**

7 Q. And were handcuffs applied?

8 **A. I was able to successfully put one handcuff**
9 **on almost immediately. And the second one he would not**
10 **give his hand up. He kept moving it or posting it**
11 **away.**

12 Q. What happened next?

13 **A. I continued to attempt to get the hand.**
14 **Eventually I did gain control of that hand, got ahold**
15 **of it and brought it to the center of the back. So**
16 **both hands ended up being cuffed.**

17 Q. What happened next?

18 **A. I don't know when the shackles were put on.**
19 **Once we had him restrained and realized he was**
20 **restrained we kept him in a prone position for the**
21 **most part. He was able to roll to his side.**

22 Q. If shackles were placed on where were they
23 placed?

24 **A. The shackles go on his legs, his ankles.**

25 Q. So he was, tell me, describe the shackles.

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1 Was it just like a bracelet on each ankle joined by a
2 chain? Is that how the shackle --

3 **A. Correct.**

4 Q. And was that chain fastened to anything else?

5 **A. No.**

6 Q. His waist or his hands or anything like that?

7 **A. No.**

8 Q. So at this point is he still on the ground?

9 **A. He is.**

10 Q. So he's cuffed behind his back. He also had
11 shackles on his ankles; is that correct?

12 **A. Correct.**

13 Q. Any other restraints on him?

14 **A. No.**

15 Q. What happens next?

16 **A. As I said, he ended up in the prone position**
17 **face down able to roll off to his side. He was**
18 **manipulating to turn his body just continuing to be**
19 **resistant, not complying to the orders to, you know,**
20 **calm down, lay there.**

21 **At that point I had to call as I**
22 **said for somebody to make a decision. Because at that**
23 **point in time I was unsure if he was still going on**
24 **the transport with the two officers, they were going**
25 **to add officers, if what there, what the supervisor or**

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1 **shift Commander's decision was to do with Riley.**

2 Q. And who did you call?

3 A. **I didn't call anybody. I ended up yelling**
4 **because I was still knelt on the ground with Riley.**

5 Q. What did you yell?

6 A. **I believe I yelled, call somebody that could**
7 **make a fucking decision.**

8 Q. What happened next?

9 A. **I waited.**

10 Q. When you called out for someone to make a
11 decision who else was in the cell with you and Officer
12 Singleton and Ty'rique Riley?

13 A. **It was me, Singleton, Riley, I believe**
14 **Hoffman was in the cell at that time.**

15 Q. What's Hoffman's first name?

16 A. **I can't remember his first name. He left,**
17 **retired, I don't know how long ago. We used last names**
18 **very, that's how we talked to each other, it's all**
19 **last names in there.**

20 Q. Okay. Understood. Who else was in the cell?

21 A. **I don't think anybody else was in the cell at**
22 **that point in time.**

23 Q. What happened next?

24 A. **Eventually officers showed up and then from**
25 **watching the video I know Sergeants were there. I**

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1 want to say Sergeant Hess. I can't remember the exact
2 timing. But I know Hess, Sergeant Hess ended up being
3 there, CO Donovan was there, CO Swanson was there,
4 eventually Sergeant Biter was there, Sergeant Lewis
5 was there, and Captain Clark showed up.

6 Q. And I know you said that a bunch of people
7 showed up. So I want to what you next did with
8 Ty'rique Riley and then we can talk about who was
9 there when these things happened. But are you still on
10 the ground when you call out for someone to make a
11 decision?

12 **A. Yes.**

13 Q. What happens next between you and Ty'rique
14 Riley?

15 **A. Nothing. He continued to just contort his**
16 **body, move his body, lift his hips, pull his shoulders**
17 **up. And it was just verbal orders telling him to calm**
18 **down, relax.**

19 Q. Okay. At some point you all go from, I'm
20 assuming you went from the floor. So that's what I'm
21 asking. What's the next thing after being on the floor
22 with him?

23 **A. He went from the floor to the other officers**
24 **and they were placing him in a restraint chair.**

25 Q. So at the time, at some point a restraint

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1 chair arrived; is that correct?

2 **A. Correct.**

3 Q. Do you see it arrive?

4 **A. I couldn't see it. As I said, there was**
5 **definitely more people showing up at that point in**
6 **time. I wouldn't have seen it arrive. You can hear**
7 **it. I knew it was called for.**

8 Q. While Ty'rique Riley is on the floor and he's
9 handcuffed behind his back and shackled on his legs,
10 are you maintaining physical contact with him?

11 **A. Yes. I had my hands on him.**

12 Q. Did anyone else have their hands on him while
13 he was on the ground?

14 **A. I can't speak for other people and I don't**
15 **remember. More than likely but I can't say for a fact**
16 **yes.**

17 Q. You mentioned other people coming into the
18 cell. How many more people came into the cell?

19 **A. I don't know how many other people entered**
20 **that cell.**

21 Q. The names that you just gave me, did CO
22 Donovan enter the cell?

23 MR. CARMELITE: Objection to form.

24 At what point in time, Riley?

25 Q. I'm saying, we're talking about, you said

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1 that Ty'rique Riley went from the floor to the
2 restraint chair; is that correct?

3 **A. Correct.**

4 Q. When he went to the restraint chair was the
5 restraint chair inside or outside of the cell?

6 **A. Outside.**

7 Q. So in the time, between the time that he was
8 on the floor and he went into the restraint chair he
9 was in the cell, correct?

10 **A. Correct.**

11 Q. So during that time that he was in the cell
12 after he was handcuffed and shackled up until the time
13 that he went into the restraint chair outside of the
14 cell I want to know who entered the cell. So do you
15 know if CO Donovan entered the cell?

16 **A. I don't know for a fact if she entered the**
17 **cell. I mean, I watched the video. If I could clearly**
18 **say yes or no. But I don't know if she entered the**
19 **cell, what time she entered the cell, if she did. At**
20 **that time I knew it was me, Singleton and Hoffman.**

21 Q. Hoffman is a CO?

22 **A. Yes. That's the one I don't know his first**
23 **name.**

24 Q. CO Swanson, do you know if she entered the
25 cell?

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1 **A. I don't know. Like I wasn't paying attention**
2 **to those officers and who was in and out at what times**
3 **or at what periods with him on the floor.**

4 Q. Did CO Hoffman make physical contact in the
5 cell Ty'rique Riley?

6 **A. I would assume so. I don't know what he did**
7 **or, but he was in there assisting myself and Singleton**
8 **during the incident.**

9 Q. At any point did you see CO Hoffman on the
10 floor while you were on the floor with Ty'rique Riley?

11 **A. Again, I assume he was kneeled down. He was**
12 **the third man. And being I could look and see out the**
13 **door I assume he was knelt down at that point in time.**

14 Q. CO Singleton, did he make any physical
15 contact with Ty'rique Riley while you were inside the
16 cell?

17 **A. Yes.**

18 Q. What physical contact did you see him make
19 with Ty'rique Riley?

20 **A. I didn't see him make physical contact but I**
21 **know that he was assisting me with taking him to the**
22 **ground and cuffing. I don't know what physical contact**
23 **he made with the individual.**

24 Q. Do you recall anyone else making physical
25 contact with Ty'rique Riley inside the cell?

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1 **A. At which point?**

2 Q. At any point from the time that he was taken
3 to the ground until he was taken out of the cell and
4 put into the restraint chair.

5 **A. When we brought him off the floor there were**
6 **other officers that took control of Riley to get him**
7 **out of the cell the last maybe two feet, three feet of**
8 **the cell.**

9 Q. Do you know which officers had took control
10 of Ty'rique Riley?

11 **A. No.**

12 Q. At any point prior to Ty'rique Riley being
13 put into the restraint chair did he say anything?

14 **A. No.**

15 Q. I think we talked before about him prior to
16 being taken to the ground. Once he was taken to the
17 ground to the time he was taken to the ground and
18 placed in to restraint chair did you hear him say
19 anything?

20 **A. No.**

21 Q. Did you hear him scream?

22 **A. No.**

23 Q. Did you hear him laugh?

24 **A. No.**

25 Q. Did he make anymore of those noises that you

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1 referred to before that sounded almost like a goat you
2 said?

3 **A. I don't remember.**

4 Q. Okay.

5 **A. I don't remember hearing them, no.**

6 Q. I'm going to show you a document here. We're
7 going to make this D-4. Do you see at the bottom,
8 it's date stamped CID000161. Have you seen this
9 document before?

10 **A. Yes.**

11 Q. What is this document?

12 **A. That's my memo from the day.**

13 Q. This is something you wrote yourself?

14 **A. Yes.**

15 Q. You state here that other staff and myself
16 were ordered to put Inmate Riley into a restraint
17 chair. Who gave that order?

18 **A. The Captain.**

19 Q. Captain Klahr?

20 **A. Captain Klahr, yes.**

21 Q. In giving that order did Captain Klahr say --
22 what did he say in giving that order?

23 **A. I don't recall his exact statement. I just**
24 **knew the order was to place him in a restraint chair.**

25 Q. You had stated before that you didn't know if

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1 he was still going to be transported or not. Did
2 anyone speak to whether or not he was going to be
3 transported in connection with him being placed into
4 the restraint chair?

5 **A. No.**

6 Q. Did Captain Klahr or anyone state any reason
7 as to why Ty'rique Riley should be placed in the
8 restraint chair?

9 **A. You said did he state?**

10 Q. Yes. Did anyone give any reasons as to why
11 Ty'rique Riley should be place in the restraint chair?

12 **A. No.**

13 Q. Did anyone object verbally to Ty'rique Riley
14 being placed in the restraint chair?

15 **A. No.**

16 Q. Based on your training did you believe it was
17 appropriate for Ty'rique Riley to be placed in the
18 restraint chair?

19 **A. Yes.**

20 Q. Why is that?

21 **A. He was combative and even at the point of**
22 **getting off the floor affair we got handcuffs and**
23 **shackled he continued to not comply. So is my opinion**
24 **the safest place for him would have been in the**
25 **restraint chair.**

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1 Q. What has your training been with regard to
2 the purpose of using a restraint chair?

3 **A. Repeat that.**

4 Q. What was your training as to why an
5 individual would be placed into a restraint chair, how
6 were you trained as to why an individual would be
7 placed into a restraint chair?

8 **A. If they were a threat to themselves to harm**
9 **themselves or a threat to harm staff.**

10 Q. Did you feel that at that time that Ty'rique
11 Riley was a threat to himself to harm himself?

12 **A. Yes.**

13 Q. How so?

14 **A. His actions towards staff would have created**
15 **a higher use of force, to escort him without using a**
16 **chair.**

17 Q. And at the time did you feel that he was a
18 threat to harm staff?

19 **A. Yes.**

20 Q. How so?

21 **A. Just because an individual is handcuffed and**
22 **shackled doesn't make them not a threat. They still**
23 **use body parts to assault people.**

24 Q. And what way did you that Ty'rique Riley at
25 that time was a threat to harm staff?

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1 **A. He wasn't following verbal directives. He was**
2 **still moving and contorting his body to resist our**
3 **abilities to keep constant control of him.**

4 Q. And at some point he was placed into the
5 restraint chair; is that correct?

6 **A. Correct.**

7 Q. Did you assist in placing him into the
8 restraint chair?

9 **A. I did.**

10 Q. Tell me what if anything you did in getting
11 him in the restraint chair and getting him restrained.

12 **A. I assisted by controlling at that point when**
13 **he was going into the restraint chair. When I got to**
14 **him I went to the opposite side and controlled his**
15 **hips and torso a little bit to keep him sitting down**
16 **into the chair.**

17 Q. How did you control his hips and torso?

18 **A. Just pressure.**

19 Q. With your hands?

20 **A. Correct. I used my leg I believe to block his**
21 **leg from kicking outward.**

22 Q. At this time he was still shackled; is that
23 correct?

24 **A. Correct.**

25 Q. At any point were his legs I guess bound to

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1 the restraint chair?

2 **A. I do not recall.**

3 Q. At any point were his arms bound to the
4 restraint chair?

5 **A. No.**

6 Q. How was he kept in place in the restraint
7 chair?

8 **A. The restraint chair has straps, seat belts,
9 like straps.**

10 Q. And how do the -- what body parts do the
11 straps cover?

12 **A. There's a strap for each shoulder that comes
13 across the shoulder down to the hip just like in a
14 vehicle seat belt.**

15 Q. So it comes from one shoulder across the body
16 to the opposite hip?

17 **A. Correct. There's one for each shoulder.**

18 Q. So it creates like a cross, an X across the
19 body?

20 **A. Correct. There's a lap belt that comes from
21 one side of the hip to the other side of the hip. The
22 same thing as a vehicle's seat belt.**

23 Q. Is there a particular order in which those
24 straps and the lap belt are to be applied?

25 **A. Most of the time we secure the lap belt first**

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1 **and the shoulder belt second.**

2 Q. Is there anything about the restraint chair
3 that would prevent any other order for those three
4 devices? For instance, if you started with the
5 shoulder first are you not able then to do the lap?

6 **A. The lap would just be less effective because**
7 **of the way the buckles come into the side I believe.**
8 **So we usually put the lap belt on first.**

9 Q. You're saying the lap would be less effective
10 if you were to use the shoulders first?

11 **A. Correct.**

12 Q. And were the shoulder straps applied to
13 Ty'rique Riley?

14 **A. They were.**

15 Q. And was the lap belt applied to Ty'rique
16 Riley?

17 **A. It was.**

18 Q. And do you know if the lap belt was applied
19 first?

20 **A. Do not know.**

21 Q. Did you apply any of the restraints?

22 **A. I do not remember putting any of those**
23 **restraints on, no.**

24 Q. Other than those three restraints, the two
25 shoulders and the one lap are there any other

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1 restraints on the restraint chair?

2 **A. There's a belt that comes across the shin**
3 **just above the ankle for both feet. The same as like**
4 **the lap belt except across the shins just above the**
5 **ankles.**

6 Q. So one belt that is extended to go across
7 both shins?

8 **A. Correct.**

9 Q. Any other restraints?

10 **A. No.**

11 Q. Do you know if the belt across the shin was
12 applied to Ty'rique Riley?

13 **A. It was.**

14 Q. And you did not apply that yourself?

15 **A. I don't believe so.**

16 Q. Is there any type of head restraint on the
17 restraint chair?

18 **A. No.**

19 Q. And was there some time of spit shield or
20 head device that was used on Ty'rique Riley?

21 **A. There was.**

22 Q. What was used?

23 **A. It was a spit shield. It's a mesh fabric.**

24 Q. Was that applied before or after he was
25 placed in the restraint chair?

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1 **A. I believe it was before. I believe it was**
2 **after we got the handcuffs and shackles on him. After**
3 **that the spit shield was placed on him.**

4 Q. Do you believe that the spit shield was
5 placed on him inside the cell?

6 **A. Yes. I know it was placed on him inside the**
7 **cell.**

8 Q. Who placed that on him inside the cell?

9 **A. I did.**

10 Q. Where did you get the spit shield from to
11 place on him inside the cell?

12 **A. It was handed to me through officers.**

13 Q. And why was the spit shield placed on
14 Ty'rique Riley?

15 **A. I called for it because after the incident he**
16 **was breathing heavy, blowing air. I don't say he was**
17 **spitting but he was blowing air hard. And the stuff**
18 **from his mouth was coming out.**

19 Q. When you say stuff from his mouth what are
20 you referring to?

21 **A. Spit. Spit. And there was like a cotton**
22 **mouth, a white foamy cotton mouth.**

23 Q. Did you get any of the spit on you before
24 placing the spit shield on him?

25 **A. Not that I believe.**

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1 Q. Did you get any of the white foam on you
2 before placing the spit shield on him?

3 **A. Not that I recall.**

4 Q. How about anyone else in the cell, did anyone
5 else complain about getting spit on before the spit
6 shield was applied?

7 **A. Not that I recall.**

8 Q. Did anyone complain of getting the white foam
9 on him then before the spit shield was applied?

10 **A. No the that I recall.**

11 Q. Was the spit shield applied by you as a
12 preventive measure?

13 **A. Correct.**

14 Q. Did Ty'rique Riley ever try to bite you
15 before the spit shield was applied?

16 **A. Not that I recall.**

17 Q. Do you know if he tried to bite anyone else?

18 **A. Not that I recall.**

19 Q. No one else complained of him trying to bite
20 them while in the cell, correct?

21 **A. Not that I recall. No.**

22 Q. At some point in your report you stated that
23 he became unresponsive. At what point during this
24 encounter did Ty'rique Riley become unresponsive?

25 **A. I noticed that as they were taking the chair**

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1 **off of the block and another officer made a statement**
2 **about they didn't think he was breathing.**

3 Q. When you had your hands on him in the
4 restraint chair you mentioned you were holding his
5 waist down, was he responsive at that time?

6 A. **Yes. He was kicking. He was also using his**
7 **legs, pushing them into the base of the chair or floor**
8 **area driving his hips upward out of the chair, using**
9 **his shoulders to arch his back.**

10 Q. Was he responsive when the shoulder straps
11 were applied to him if you know?

12 A. **As far as I know, yeah. Because shoulder**
13 **straps were applied before the legs and he was**
14 **kicking. That's why I had to place my leg in front of**
15 **his leg so he wouldn't kick the staff that was trying**
16 **to put the leg strap across him.**

17 Q. When the leg strap was placed across him was
18 he responsive?

19 A. **I don't recall at that time. He was secured**
20 **and I believe they put a green smock and we were**
21 **starting to take him off of the block.**

22 Q. And you stated that you noticed him being
23 unresponsive as the chair was moving off the block.
24 Did you notice it or were you told that he was
25 unresponsive?

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1 **A.** I don't recall if I -- it all happened I
2 think simultaneously in my mind. Like I don't -- I
3 didn't see him and say he was unresponsive. It was
4 kind of as they said it I looked I believe and that's
5 how I found that he just looked unresponsive. He
6 wasn't moving.

7 **Q.** And what happened next?

8 **A.** There were two sternum rubs done. One was by
9 Sergeant Biter. The other one I do not know who did
10 it.

11 **Q.** Was that while the restraint chair was still
12 on the A-block?

13 **A.** Correct.

14 **Q.** And what happened next?

15 **A.** There was no response to the sternum rub. He
16 appeared not to be breathing. That would be the
17 discussion, the talk that happened during that short
18 period of time there.

19 **Q.** And what happened next?

20 **A.** Somebody I believe called the medical
21 emergency. I do not know who.

22 **Q.** And what does that signify to you when
23 somebody calls the medical emergency?

24 **A.** So that goes over our radio and that let's
25 medical staff know that we're having a medical

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1 **emergency that they need to respond to where the call**
2 **was made which was A-block at the time.**

3 Q. Okay. And what happened next?

4 **A. The order was given that we would get him**
5 **back to medical before medical showed up to take him**
6 **back to medical or go on the way back to medical.**

7 Q. So the emergency call was made which
8 signifies that an emergency, that medical is to
9 respond to the place where the call came and then
10 after that the decision was made to take him to
11 medical?

12 **A. It happened the same time simultaneously.**
13 **At the time the call was going out and that it was**
14 **made that we can get him to medical faster than**
15 **medical would probably respond to us at that**
16 **particular time. So medical is en route. The way we**
17 **have to go we would come across medical as they were**
18 **responding.**

19 Q. Do you know who made the order to take him to
20 medical?

21 **A. Captain Klahr.**

22 Q. And did you then take him to medical?

23 **A. We did.**

24 Q. What happened when you got to medical?

25 **A. At that time beings he was not breathing --**

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1 well, as we were going to medical we passed medical
2 staff that was coming out of the room to respond as we
3 were going in the small waiting area.

4 We took him into medical, and again,
5 multiple people talking, saying things to do things.
6 As I say the order to get him out of the chair. People
7 were saying that. We were already in the process of
8 removing the straps and getting him out of the chair,
9 getting the handcuffs, shackles off of him, laying
10 flat in medical.

11 Q. At that point you're actually in medical,
12 you're not in the area outside of medical; is that
13 correct?

14 A. Correct. We ended up taking, yeah, like three
15 feet. And got him into the medical department and had
16 him right there in medical.

17 Q. And at some point did you do chest
18 compressions on Ty'rique Riley?

19 A. I did.

20 Q. Were you ordered to do that by someone?

21 A. No.

22 Q. How long did you do chest compressions?

23 A. I did at least one series and we were
24 rotating in. So it was -- I haven't had my
25 certification. I believe it's 30 or 40 chest

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1 **compressions. And then they were doing two breaths.**
2 **They had a bag that medical uses. So I did at least**
3 **one rotation.**

4 Q. At some point was the shield taken off of
5 him?

6 A. **It was.**

7 Q. Was that done prior to getting to medical or
8 after you got into medical?

9 A. **I believe it was after we got to medical.**

10 Q. Is there anything that prevented you from
11 doing chest compressions on the A-block?

12 A. **The fact that he was in the restraint chair.**
13 **Other than that no.**

14 Q. D-4 was the incident report that you wrote.
15 We'll mark this next one as D-5. Have you seen this
16 document before?

17 A. **I have.**

18 Q. What is this?

19 A. **That's the detective's, that's my interview**
20 **with Detective Walborn.**

21 Q. Did you get a chance to review this written
22 transcript of your interview in connection with giving
23 this interview?

24 A. **Yes.**

25 Q. And were you able to read it for accuracy?

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1 **A. Yes.**

2 Q. And did you determine that it was accurate?

3 **A. It was pretty accurate, yes.**

4 Q. And we'll mark this as D-5. It starts with
5 bates stamp CID 521 and it goes through to CID 533
6 with a photo ID. Is that a photo of you at the time?

7 **A. It is.**

8 Q. And this is taken on July 5, 2019, correct?

9 **A. Yeah. That's what it says.**

10 Q. I'm want to ask you some specific questions.
11 On page 3 it says on line 113, "Now usual procedure,
12 in a previous interview you said that most of the
13 individuals who are being transported are up in
14 medical or in intake." Your answer was correct. What
15 is the previous interview that the questionnaire is
16 referring to?

17 **A. I don't know.**

18 Q. Had this individual interviewed you before
19 July 5th at 10:17 hours which would be, I guess that
20 would be 8:17 P.M.?

21 **A. Not that I recall interviewing with him, no.**

22 MR. LAVERY: Riley, for the record,
23 it looks like it was 10:17 A.M.

24 MR. ROSS: Oh, yeah. You're right.
25 I'm bad military time. You're right 10:17 A.M., not

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1 8:17 P.M.

2 **A. Correct.**

3 Q. Thank you. The person that interviewed you
4 had you met him before that date that he interviewed
5 you?

6 **A. Have I met Walborn before?**

7 Q. Yes. Had you met him before the date of the
8 interview, before July 5th of 2019?

9 **A. Yes.**

10 Q. So you knew who he was?

11 **A. Yes.**

12 MR. CARMELITE: Riley, I don't want
13 to get this off on a tangent. Before you had this
14 question and answer discussion, right, did you talk to
15 Detective Walborn that day before?

16 **A. Yes.**

17 Q. So you had a, before you did this interview
18 you had spoken with Walborn before about the incidents
19 relating to Ty'rique Riley?

20 **A. We talked about it yes.**

21 Q. And let me start with this particular
22 interview that began at 10:17. Where did this
23 interview take place?

24 **A. Up in Admin I believe in a conference room.**

25 Q. At Dauphin County Prison?

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1 **A. Yes. Administration.**

2 Q. And when you spoke to Walborn, Detective
3 Walborn before this interview that your Counsel just
4 referenced did that also occur in the Admin in the at
5 the Dauphin County Prison?

6 **A. Yes.**

7 Q. How much earlier, how much earlier before
8 10:17 did that occur?

9 **A. I don't know.**

10 Q. How long did you speak to him before this
11 interview actually occurred?

12 **A. I don't know.**

13 Q. This interview that we're talking about here
14 was that recorded with some type of a recording
15 device?

16 **A. Yes.**

17 Q. So at some point someone turns on a recording
18 device and you begin this interview, correct?

19 **A. Correct.**

20 Q. So I want to focus on everything that
21 happened before that recorder went on. You have a
22 conversation with Detective Walborn in Admin before
23 the recording begins; is that correct?

24 **A. Correct.**

25 Q. And how long did that conversation last?

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1 **A. I do not know.**

2 Q. Were you questioned about what happened
3 between you and Ty'rique Riley during that period?

4 **A. I don't believe so. It was a -- he was giving**
5 **me the format of how he wanted to walk through the**
6 **incident where we were going to start and end and**
7 **everything to get it into a chronological order so we**
8 **didn't have to go back.**

9 Q. Are you done with your answer?

10 **A. Yeah.**

11 Q. Did that conversation include any facts about
12 what happened with Ty'rique Riley?

13 **A. I don't recall.**

14 Q. Did that conversation include any type of
15 discussion about transporting individuals from the
16 prison to some other place?

17 **A. I don't recall. Could have.**

18 Q. So when he says on page 3 in a previous
19 interview you said that most of the times the
20 individuals were being transported are up in medical
21 or intake do you recall talking to him prior to this
22 interview about transporting individuals, at any time?

23 **A. I don't recall. I don't recall. No.**

24 Q. Did you give an interview about what happened
25 to Ty'rique Riley to anyone other than Detective

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1 Walborn?

2 **A. Not that I recall, no.**

3 **(Recess taken.)**

4 **BY MR. ROSS:**

5 Q. Officer Danner, you mentioned that you did
6 not to any chest compressions while on A-block. Is
7 there anything that would have prevented Ty'rique
8 Riley from being taken out of the restraint chair once
9 he became unresponsive on A-block to be given chest
10 compressions?

11 **A. No. Not that I could see.**

12 Q. I want to show you some videos now. Can you
13 see that?

14 **A. Yes.**

15 Q. Are in any of the individuals that are in
16 this video here if you can tell?

17 **A. No. I don't believe, no.**

18 Q. Do you know who the correctional officers
19 are, the men in blue shirts?

20 **A. No.**

21 Q. Let me just try to move forward to try and
22 get some better views. Still no?

23 **A. No.**

24 Q. This video I'm going to show you. You still
25 see a video or you do not?

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1 **A. I still see a video. Yes**

2 Q. Okay. Great. This video I'll show you is it's
3 named on the file as 18 A-1 to front, times of 9:27 to
4 10:00 A.M. So we'll make this D-6.

5 MR. CARMELITE: And that's the video
6 he used with me when he spoke of what documents.

7 Q. So have you seen this video before, Officer
8 Danner?

9 **A. Yes.**

10 Q. I'm just going to speed it up because I want
11 to do it for identification purposes. I'm going to
12 pause it here. We're at the 2:58 mark. Who, if you
13 know, is in the frame now at the cell door?

14 **A. I believe that's Donovan the female with her**
15 **back to us and I believe that is Hoffman.**

16 Q. Pause here at 23:05. Who is that there now?

17 **A. It appears to be Swanson.**

18 Q. Now, at this point do you believe you have
19 gone into the cell yet?

20 **A. You have to rewind it. I believe I did.**

21 Q. Let me go back. Maybe I missed you going in.

22 **A. I believe you did.**

23 Q. Yeah, there we go. Yes. Yeah. It should be
24 22:25. I went to 22:55. So let's back it up. So
25 right here at 22:55 --

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1 MR. CARMELITE: 25 you mean.

2 Q. I did it again. 22:25 who's that in the
3 frame?

4 A. That's myself in front with the uniform in my
5 hand and Steve Singleton.

6 Q. And you both go into the cell?

7 A. Correct.

8 Q. Is this you believe CO Donovan that's there?

9 A. I believe that's her, yes.

10 Q. We already identified people at 22:55. I'm
11 going to go now to 25:50. Do you know who these folks
12 are?

13 A. The one is Sergeant Hess that would be on my
14 right.

15 Q. With the lighter colored shirt?

16 A. Yes.

17 Q. And then on the left approaching the cell
18 with the darker colored shirt?

19 A. I can't make that one out right now.

20 Q. We'll go forward to 27:17. That we believe is
21 walking way. We still believe that to be Donovan?

22 A. I believe that's Donovan, yes.

23 Q. We'll go to 27:46. You see a gentleman about
24 to enter. Do you know who that is?

25 A. The black shirt would be Captain Klahr.

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1 Q. That's at 27:49. And then he's followed by
2 at 27:53 who is that?

3 **A. Sergeant Lewis.**

4 Q. Fast forward. We're going to go to 29:20 and
5 it appears that the restraint chair has arrived. Can
6 you tell me who is pushing the restraint chair?

7 **A. That appears to be Sergeant Biter.**

8 Q. Okay. Let me go a little more. The person,
9 the gentleman about to enter, the bald an right there,
10 that's Sergeant Biter?

11 **A. Sergeant Biter, yes.**

12 Q. So we'll put that at 20:31. And then there's
13 leaning on the restraint chair can you recognize who
14 that person is?

15 **A. Which?**

16 Q. The person who's behind the restraint chair
17 kind of where the head would go.

18 **A. That appears to be Swanson.**

19 Q. And then to Swanson's right on the other side
20 of the chair across from Sergeant Biter who does that
21 appear to be?

22 **A. It appears to be Sergeant Hess.**

23 Q. The first person -- we're now at 30:34. The
24 person that appears to be pulling Ty'rique Riley out,
25 the first person out of the cell who is that?

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1 **A. I'm not positive.**

2 Q. If you at any point recognize who that is let
3 me know. That person is now on the far side of the
4 chair next to Captain Klahr. Any idea who that is?

5 **A. No.**

6 Q. And we're at 30:52, that is you that just
7 exited the cell and you're on the left side of the
8 chair closest to the camera; is that right?

9 **A. The chair is facing me. I'm on the left side**
10 **of the chair.**

11 Q. You're next to Sergeant Biter, correct?

12 **A. Correct.**

13 Q. Can you tell who is on the other side of
14 Sergeant Biter at this time?

15 **A. The other bald head?**

16 Q. Yes. No, not the black shirt. I guess the one
17 behind where the head would go on the chair. It looks
18 like he has a little bit of hair.

19 **A. Sergeant Lewis it looks like.**

20 MR. CARMELITE: Just for the record,
21 I pointed to the individual on my screen for him.

22 Q. Okay. So that appears to be Sergeant Lewis at
23 the top of the chair; is that correct?

24 **A. That's Sergeant Lewis.**

25 Q. Do you recall Sergeant Lewis having Ty'rique

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1 Riley's head while you were trying to get him into the
2 restraint chair?

3 **A. Again, I don't recall it no. Like seeing**
4 **this, yeah. But.**

5 Q. Now, do you see to your left it looks to be a
6 gentleman on the ground. Is that CO Singleton?

7 **A. I would assume that would be him but it's**
8 **just the top of his head.**

9 Q. He's standing up now. Does that help at all?

10 **A. That looks like Singleton, yes.**

11 Q. I paused it there at 31:50. It looks like
12 something orange was placed on top of Ty'rique Riley.
13 Was that the uniform you brought with you for him to
14 wear?

15 **A. It appears to be uniform pants or shirt,**
16 **yes.**

17 Q. Under kind of in between you and Sergeant
18 Biter's is that Ty'rique Riley's leg that's sticking
19 out there; can you tell?

20 **A. I believe that's his foot, yes.**

21 Q. Do you know what you all are doing right now?

22 **A. I believe this is where he became more**
23 **responsive with the sternum rub. That's what happened**
24 **right there.**

25 Q. I'll take that down. Are you familiar with

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1 anyone who has an e-mail address mbig1339@gmail?

2 **A. What was it again?**

3 Q. Mbig1339@gmail.com.

4 **A. No.**

5 Q. Do you recall ever being asked or questioned
6 about someone with that e-mail address?

7 **A. No.**

8 Q. I'm going to put this on the screen. This is
9 a couple of e-mails that go from CID 97 and goes to
10 CID 97 G /O is had ER the. I'm going to go to page 98
11 and ask if you were ever shown this e-mail dated July
12 25, 2019?

13 **A. No.**

14 Q. Did anyone ever question you about someone
15 making I guess an inquiry or allegation that you
16 needed to be looked into regarding Ty'rique Riley's
17 death?

18 MR. CARMELITE: He means other than
19 me.

20 MR. RILEY: Yes.

21 MR. CARMELITE: Anybody besides me
22 ask you about that?

23 **A. The detective who conducted the interview.**

24 Q. So Detective Walborn?

25 **A. For the interview, yes, during the interview.**

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1 Q. He asked you about that?

2 **A. At the time of the interview, yes. You're**
3 **saying about this e-mail or about the --**

4 MR. CARMELITE: He's asking, he wants
5 to know did anybody ever ask you about this e-mail.

6 **A. No.**

7 Q. What you're referring to about Detective
8 Walborn asking you about what were you referring to?

9 **A. About the incident with Ty'rique. That's the**
10 **only one that asked me about my involvement with this**
11 **incident.**

12 Q. Did Detective Walborn ever mention to you
13 that someone had stated that you needed to be looked
14 into?

15 **A. No.**

16 MR. ROSS: Give me a second. Why
17 don't we just take like two minutes. Let me look at my
18 notes and confer with Kevin and see if I have any
19 other questions.

20 MR. LAVERY: I have a couple. Not
21 many but I have a couple.

22 BY MR. LAVERY:

23 Q. Mr. Danner, I'm Frank Lavery. I represent the
24 prison. I represent the prison. I don't have a whole
25 lot for you but I do want to go over if we could

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1 Exhibit D-5, specifically page 5 into 6 on than and it
2 would be marked CID 525 and 526 if the court reporter
3 can just put that up.

4 And scroll down at the bottom of 5.
5 Mr. Danner, at the bottom of page 5 you were asked, so
6 the door opens. Inmate Riley is in the middle of the
7 cell. What happened next?" And then your answers then
8 follow on the next page would be again Page 6 of the
9 interview until a it's bates marked 526 on the bottom.
10 Do you see that?

11 **A. Yes.**

12 Q. And as you testified before you answered the
13 question that was asked at the bottom of CID 525.5,
14 you entered cell, directing him towards the back of
15 the cell to the wall area of the cell, ah, he
16 complied.

17 Is that accurate?

18 **A. Correct.**

19 Q. And then you were asked the next question on
20 line 230 on the page, "Has he said anything to you
21 yet?" Do you see your answer there? On line 232.

22 **A. Yeah.**

23 Q. You indicated, "No. At which time, I told the
24 inmate that he was going to be transported or that he
25 had to remove the smock for transport. He gave me a

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1 blank stare, at which time I repeated the order. The
2 inmate reached up and grabbed the shoulder piece of
3 the smock to un-Velcro it, and the sock was removed."

4 Do you see that?

5 **A. Yes.**

6 Q. Your statement doesn't indicate by whom that
7 smock was removed, correct?

8 **A. Correct.**

9 Q. I think you're asked the next question, "Did
10 Riley do that? Was he assisted by anybody else?" Do
11 you see that?

12 **A. Yes.**

13 Q. And then what was your answer there at that
14 point?

15 **A. "I'm not positive. I'm not sure if he was**
16 **assisted or not. I remember the smock being removed. I**
17 **remember him reaching, too. My focus was more on the**
18 **inmate and his actions than the removal of the smock."**

19 Q. Is that true and accurate?

20 **A. Yes.**

21 Q. And then you were asked on line 243, "What
22 happened next?" And what your answer to that? It's on
23 line 245.

24 **A. "I ordered the inmate to put on the uniform**
25 **that I had. It was a lock-in uniform. I offered it to**

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1 him and told him to put it on. He gave me a blank
2 stare. I repeated the order and attempted to hand it
3 to him. At which time Inmate Riley grabbed ahold of
4 my arm, my wrist, my left wrist."

5 Q. Stop there. At that point is that the first
6 time you had any, that you can remember any physical
7 contact with Ty'rique Riley?

8 **A. That I can remember, yes.**

9 Q. Okay. Did you in any way strike, hit, do
10 anything to him whatsoever physically before he
11 grabbed your arm?

12 **A. No.**

13 Q. Had you told him to put the uniform on?

14 **A. Yes.**

15 Q. And at that point did you know whether or not
16 he was going to put the uniform on before he grabbed
17 ahold of your wrist?

18 **A. No.**

19 Q. And then you were asked in the statement line
20 250, "What happened then?" And what was your answer
21 at that point?

22 **A. "At which time I reversed his grab and**
23 **regrabbed his arm pulling him forward. He was bent**
24 **over at the waist. We attempted to place the uniform**
25 **top on him. It went over his head at which time Riley**

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1 **removed the top from his head with his hands."**

2 Q. Is that accurate?

3 **A. I said it then. I do not remember that part.**
4 **Other than seeing it there I do not remember that**
5 **happening.**

6 Q. And I get that. That makes sense. It
7 happened a while back. But back on July 5 at 10:17 in
8 the morning that would have been pretty much within
9 like a week of the incident, correct?

10 **A. Correct.**

11 Q. So if you said it back then your memory would
12 have been better as to what happened at that time,
13 correct?

14 **A. Possibly.**

15 Q. The point I'm getting at though, I guess is
16 that at some point someone tried to get him in a
17 uniform top and he got the top off from his head. Is
18 that accurate to the best of your recollection?

19 **A. Reading it I say yes. Remembering it no. I**
20 **don't remember.**

21 Q. No. I get that. But would you have any reason
22 to dispute the validity of that if that's an accurate
23 transcript of what you would have said on July 5th?

24 **A. No.**

25 Q. Okay. Good. So at that stage, again, other

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1 than reversing his grab, regrabbing his arm, pulling
2 him forward bent over after he grabbed you had you
3 done anything else to him?

4 **A. Up to that point, no.**

5 Q. Then when was it that the decision was made
6 to take him down to the ground to put the shackles and
7 the handcuffs on him and, well, strike that.

8 When was that made at that point
9 that that decision was made at some point, hey, we got
10 to get this guy to the ground and get him shackled up
11 and cuffed up?

12 **A. It wasn't long after. I don't know exactly**
13 **when or who even made the comment to take him to the**
14 **ground or it was just, it wasn't working and we**
15 **decided to take him to the ground.**

16 Q. Well, that's kind of my point on the whole
17 thing. Were you attempting to do something else before
18 you had to take him down to the ground?

19 **A. As I read there I believe we were trying to**
20 **put his uniform top on.**

21 Q. And is it true that the only reason you had
22 to take him down to the ground is he wouldn't
23 cooperate in that process and he resisted your
24 attempts to do that?

25 **A. That's why we took him to the ground, yes.**

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1 Q. Before that had you used any type of force at
2 all on him other than where you indicate that you
3 reversed his grab on the top? Had you used any force
4 on him whatsoever?

5 **A. No other physical force, no.**

6 Q. Did you see anybody else use any physical
7 force on him before that?

8 **A. No.**

9 Q. So when Riley is on the ground in the cell
10 you're in the cell I think, I think you said Singleton
11 was in the cell and I think you said Hoffman may have
12 been in the cell at some point; is that right?

13 **A. After watching the video Hoffman was in the**
14 **cell.**

15 Q. Okay. Yeah. I agree with you on that. He was.
16 Did either you, Singleton or Hoffman do anything to
17 strike, hit, anything to him while he was in the cell
18 at that point and you tried to handcuff him while he
19 was on the ground?

20 **A. I did not and I did not see either of them,**
21 **no.**

22 Q. Now, in terms of how he got to the ground I a
23 was a little unclear. Could you just explain that
24 briefly as to how that briefly occurred physically.

25 **A. As I had his arm we went down. Somebody ended**

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1 up grabbing a leg removing one leg.

2 Q. From the ground?

3 A. I would assume they had to bend down. Yeah.
4 He was standing up so they had to bend down to get the
5 leg between. I was in front of Riley because they
6 came below me and got in front of leg and removed the
7 leg, pulled it forward.

8 Q. So someone pulled his leg forward and you're
9 up top with him; is that correct?

10 A. Correct.

11 Q. And so where do you have control or where
12 were you trying to get control of him from up top as
13 you best recall?

14 A. The hands and the upper extremities, the mid
15 section up. I was trying to control that area.

16 Q. Was Riley in any way thrown or slammed to the
17 ground?

18 A. No.

19 Q. And at that point you have control of his
20 upper torso when the other officer gets down below and
21 gets the leg out from under him; is that right?

22 A. I would say had control but I was working to
23 gain control. So I was, yes. I was attempting to
24 control his upper extremities and upper half.

25 Q. So what parts, as he was going down, I mean,

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1 obviously we know his legs and arms. What part of his
2 upper torso would have come down and impacted with the
3 floor as he's going down if you remember?

4 **A. As he went down it would have been more of**
5 **his rear end lower back making first contact with the**
6 **floor being the cell size and where we were in the**
7 **cell. Does that make sense?**

8 Q. Yeah. I think I do get what you're saying.
9 Did his head, did any part of his head hit the floor
10 when you took him down?

11 **A. No.**

12 Q. I am just about done. I'm sorry it took
13 longer than I thought. And, again, it's fine taking
14 that off. Have you had a chance to look through this
15 entire recorded statement, it goes from CID 521 to CID
16 533, correct?

17 **A. Correct.**

18 Q. All right. And is there anything -- I think
19 you testified again today that in reading the
20 statement you remember the part about putting a
21 uniform on him but you didn't remember that from your
22 own independent recollection, correct?

23 **A. Correct.**

24 Q. Is there anything else in that statement that
25 you don't think is accurate or may not be accurate?

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1 And again, I'm talking about the CID statement?

2 **A. There's some errors as in the name at the top**
3 **is Michael Danner.**

4 Q. Yeah. That's a good point.

5 **A. There's a thing marked as an answer when I**
6 **believe it's a question.**

7 Q. Right. Anything else?

8 **A. For the limited time I had it for I believe**
9 **everything is basically correct.**

10 Q. Okay. And then just I'm finished. Exhibit, I
11 think it's D-4 was your handwritten statement, that's
12 the one page that was shown to you by Mr. Ross. That
13 what would have been written when in time in relation
14 to the incident itself? How soon after the incident
15 did you write that statement out?

16 **A. I'm not sure when I wrote that. I would have**
17 **dated it properly to date but I'm unsure because I did**
18 **continue to transport via ambulance. I don't know if I**
19 **wrote that after I got back at what point when I got**
20 **back the time of day from the incident.**

21 Q. But it would have been written the same day
22 as the incident occurred, correct?

23 **A. It's written as stated, yes.**

24 Q. And is there anything as you look at that
25 that you don't believe is accurate in there?

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1 **A. No. I believe that it's accurate.**

2 MR. LAVERY: Thank you, CO Danner.

3 Those are all the questions I have of you.

4 MR. POLAHA: Very briefly. Hopefully
5 two questions.

6 BY MR. POLAHA:

7 Q. Good afternoon or good morning. My name is
8 Matt Polaha. I represent the Susquehanna Township
9 Police Department and it's officers that are named in
10 this lawsuit.

11 On June 26th of 2019 during your
12 interactions with Mr. Riley both in Dauphin County
13 Prison, on the transport and at the hospital were any
14 Susquehanna police officers present at that time?

15 **A. Repeat that again.**

16 Q. During your interactions with Mr. Riley on
17 June 26th of 2019 inside the Dauphin County Prison,
18 during transport to the hospital or at the hospital
19 were any Susquehanna Township police officers present?

20 **A. Not that I know, no.**

21 Q. And were you working in the Dauphin County
22 Booking Center on June 18th of 2019 in the early
23 morning hours?

24 **A. No. Not that I recall.**

25 MR. POLALA: Thank you.

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1 MR. NINOSKY: No questions.

2 MR. CARMELITE: The deposition is
3 concluded. You're free to go.

4 (Witness excused.)

5 (Deposition concluded 11:35 A.M.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings,
evidence and objections noted, are contained fully and
accurately in the notes taken by me on the hearing of
this matter, and that this copy is a correct
transcript of the same.

NICHOLAS DiPIERO, R.P.R.
Registered Professional Reporter
Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction of the
same by any means unless under the direct control
and/or supervision of the certifying reporter.)

MATTHEW DANNER

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1 WITNESS CERTIFICATION

2
3 I have read the foregoing transcript
4 of my deposition given on Friday, March 17, 2023, and
5 it is true, correct and complete, to the best of my
6 knowledge, recollection and belief, except for the
7 list of corrections, if any, attached on a separate
8 sheet herewith.
9

10
11 _____
12 MATTHEW DANNER

13 _____DATE
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MATTHEW DANNER

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DAUPHIN COUNTY PRISON

Local Policy 9.17.T

Page 1 of 3

Title:	Use of Force
Chapter 9:	Security and Control
Subject:	Use of Force Training
Reference:	Title 37 Chapter 95 Section 95.220a

POLICY:

Force, including the use of restraints, shall only be used when necessary and only to the degree required to control an individual, facilitate Court-ordered medical treatment, restore order to a disruptive group of individuals, enforce the rules and regulations of the facility, in self-defense and the defense of others, prevent damage to property, prevent an escape, or recapture an escapee. Only the minimum amount of force necessary to resolve a situation shall be employed. The use of force and restraints shall never be used as a means of punishment or revenge.

PENOLOGICAL INTEREST:

It is in the penological interest of Dauphin County Prison to have Training and Policies that are clear and easily understood.

PROCEDURE:**Use of Force Breakdown:**

1. **No more force than necessary-** Force cannot be gratuitous or excessive.
2. **Levels of force:**
 - a. **Officer presence-** identify authority by uniform or words
 - b. **Verbal order-** must be a clear, reasonable, understandable and lawful command to comply
 - c. **Soft empty hand-** if verbal commands are ineffective
 - i. May cause pain but virtually no potential to injure
 - d. **Hard empty hand-** can be used to control active aggression or defensive resistance
 - i. May cause cuts or bruises
 - e. **Intermediate weapons-** can be used when empty hand techniques fail or officer reasonably believes would be insufficient
 - i. Highly likely to cause pain or injury
 - f. **Deadly force-** to protect self or others from death or serious injury
 - i. Likely to cause serious injury or loss of life

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DAUPHIN COUNTY PRISON

Local Policy 9.17.T

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Title:	Use of Force
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3. Levels of resistance:

- a. Psychological intimidation
- b. Verbal disobedience/noncompliance
- c. Passive resistance
- d. Defensive resistance
- e. Active aggression
- f. Deadly force assault

- 4. Can use one level of force higher than resistance of inmate-** It may be necessary to use more force than the inmate is using. An officer may use more force only if the force seems reasonably necessary under the circumstances. If an inmate reduces the level of force, the officer should too.

5. Steps after force used

- a. Medical exam of officer and inmate as soon as possible if physical force or pepper spray is used
- b. Immediately notify Shift Commander or Acting Shift Commander
- c. Written report to Shift Commander before end of shift

The law:

There are three constitutional amendments that apply to the use of force in prisons, depending on the subject of the force. The Fourth Amendment protects persons in the prison other than inmates, such as visitors, from excessive force. The Fourteenth Amendment protects inmates who have not been yet convicted, but are awaiting trial (pretrial detainees). The Eighth Amendment protects convicted prisoners.

Persons other than inmates:

Under the Fourth Amendment, the Supreme Court has held that persons have the right to be free from excessive force. In *Graham v. Connor*, 490 U.S. 386 (1989), the Supreme Court held that an officer can use only that much force as is necessary under all of the circumstances. Dauphin County Prison's policy teaches the *Graham* standard by prohibiting correctional officers from using more force than is necessary under the circumstances. Under the *Graham* standard, a

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DAUPHIN COUNTY PRISON

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variety of factors can help determine whether force used is appropriate, such as: the person's history of violence or lack thereof, any prior attempts to gain compliance with words or less force, the level of threat posed to the correctional officer or others, and the level of force used by the person.

Pretrial detainees:

In *Kingsley v. Hendrickson*, 2015 WL 2473447, at *6 (U.S. June 22, 2015), the Supreme Court recently announced that the *Graham* standard applies to pretrial detainees under the Fourteenth Amendment. Previously, courts had applied a higher standard in pretrial detainee excessive force cases, requiring the inmate to show that 1) the force was excessive, and 2) that the correctional officer acted with intent to harm the inmate or lack of care for the inmate. Now, as in the Fourth Amendment context, an inmate only has to prove that the force was excessive. Practically speaking, the Dauphin County Prison's use of force policy already taught the *Graham* standard for the use of force with all inmates, so if a correctional officer follows the policy, then he or she will follow the *Kingsley* standard as well.

Convicted prisoners:

The Eighth Amendment applies to convicted prisoners, which prohibits "cruel and unusual punishment." Under the Eighth Amendment, the Supreme Court still requires an inmate in a lawsuit to show that 1) the force was excessive, and 2) that the correctional officer acted with intent to harm the inmate or lack of care for the inmate. As mentioned above, the Supreme Court recently held that the *Graham* standard applies to pretrial detainees in *Kingsley*. In the *Kingsley* case, the Supreme Court mentioned that it may in the future apply the *Graham* standard to convicted prisoners as well. Regardless, the Dauphin County Prison's use of force policy already teaches the *Graham* standard. The critical question under *Graham* and the Dauphin County Prison policy is whether the correctional officer uses the minimal amount of force necessary under the circumstances. If the answer is yes, then the correctional officer has followed policy and the law.


 Warden Dominick L. DeRose

July 2015

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DAUPHIN COUNTY PRISON

USE OF FORCE

2017



DAUPHIN DFS 244

Identify the two Philosophies for Force/Control Continuums

- Total Control Theory:
 - Associated with a training system centered upon the use of an intermediate weapon for all levels of resistance.
- **One Plus One Theory:**
 - Advocates that officers can use one level of force higher than the level of resistance.
 - This theory puts more of an emphasis on the use of empty hand control techniques.

REACTIONARY GAP

- **The minimum safe zone that an officer should maintain from others.**
- **The average distance of the Reactionary Gap is approximately 6 feet.**
 - **The Reactionary Gap can be affected by the amount of the officer's training.**
- **The Reactionary Gap is never penetrated unless subject control is attempted.**

USE OF FORCE

- **AUTHORIZATION:**
 - Official permission or approval.
- **JUSTIFICATION:**
 - To prove or show to be just, right, or reasonable.
 - Reason, fact, circumstance, or explanation that justifies or defends.

USE OF FORCE

- Force and restraint equipment are intended to be used only as control measures when absolutely necessary; they are not intended, and shall never be used, as a means of punishment.
- Staff shall be authorized, and should use appropriate force in instances of:
 - Self-defense and the defense of others.
 - Effecting compliance with the rules and regulations of the facility.
 - Restoring order to a disruptive group of individuals.
 - Preventing damage to property.
 - Preventing escapes or recapturing an escapee.
 - Facilitating Court-ordered medical treatment.

FORCE CONTINUUM

- Officers **do not** need to escalate response controls in a step by step progression, but may enter at any acceptable level of control.
- The only time an officer can reasonably escalate to the next level of force is when:
 - **The officer finds lower levels of force ineffective, or**
 - **The officer reasonably believes that a lower level of force will be ineffective.**

FORCE CONTINUUM

- **As the subject de-escalates their actions, the officer must reduce the amount of force used proportionally.**

DUTY to INTERVENE

- **If you are witness to an officer using excessive force, you have an obligation to stop the act.**
 - **If you decide to do nothing, you can be held liable along with those using the force.**

Variables Affecting the Use of Force

- Type of crime
- Officer/subject size and gender
- Exigent (emergency) conditions
- Reaction time
- Access to weapons
- Influence of Alcohol or drugs
- Injury or exhaustion of officer
- Weather or terrain conditions
- Special knowledge

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Non-compliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Control

Soft Empty Hand Control

Verbal Commands

Officer Presence

OFFICER PRESENCE

- Identification of the officer's authority either by identification of the uniform or verbal indication.
- The officer's mere presence dictates the authority of the institution's rules and regulations and should initiate compliance.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Non-compliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Control

Soft Empty Hand Control

Verbal Commands

Officer Presence

PSYCHOLOGICAL INTIMIDATION

- Nonverbal cues indicating a subject's attitude, appearance, and physical readiness.
 - Blank stare.
 - Clenching of fists.
 - Tightening jaw muscles.
- The subject may comply with verbal commands, but displays visual nonverbal cues that indicate potential physical resistance.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Non-compliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Control

Soft Empty Hand Control

Verbal Direction

Officer Presence

VERBAL DIRECTION

- A clear, understandable, reasonable, and lawful command of direction or compliance.
- Commands should be loud, clear, and constant.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Control

Soft Empty Hand Control

Verbal Direction

Officer Presence

VERBAL NONCOMPLIANCE

- Any verbal response indicating the subject's unwillingness to obey an order or command.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Control

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

SOFT EMPTY HAND TECHNIQUES

- Techniques which may cause pain but virtually no potential for injury.
- Designed to control Passive or Defensive Resistance.
- They are used when verbal directions are not effective and there is noncompliance with lawful orders.
- Examples include, but are not limited to:
 - Strength techniques.
 - Pressure points.
 - Handcuffing.
 - Joint locks.
 - Knee strikes to the Common Peroneal.
 - Oleoresin Capsicum products.

SOFT EMPTY HAND TECHNIQUES

- Oleoresin Capsicum (O.C.) Products
 - A nonlethal aerosol spray, foam, or gel made with the pepper derivative oleoresin capsicum designed to spray directly into a subject's face; used to inflame the skin and mucous membranes.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

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Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Control

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

PASSIVE RESISTANCE

- Any type of resistance where the subject does not attempt to defeat the officer's attempt to control them, but will not voluntarily comply with verbal and physical attempts of control. i.e.,
 - Dead weight resistance.
 - Does not react to verbal commands.
 - etc.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Techniques

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

HARD EMPTY HAND TECHNIQUES

- Techniques that have the potential for injury in the form of bruises, contusions, and lacerations.
- Designed to control **Active Aggression**, but can be used to control **Defensive Resistance**.

HARD EMPTY HAND TECHNIQUES

- These techniques include, but are not limited to:
 - Defensive Counterstrikes:
 - Straight Punch.
 - Palm Heal Strike.
 - Front Thrust Kick.
 - Angle Kick.
 - Brachial Stun.
 - Shoulder Pin Restraint.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Techniques

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

DEFENSIVE RESISTANCE

- Any action by a subject that attempts to prevent an officer from gaining control.
 - Pulling or Pushing Away, etc.
- It is not an attack, but a physical act to prevent control.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Attack

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Techniques

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

INTERMEDIATE WEAPONS

- The amount of force when utilized has the high propensity for extreme pain and the possibility of injury.
- The application/use of any weapon or object that is not part of the human body to control resistance or an assault.
- The officer *should attempt* to target motor points first, joints and bony areas second.

INTERMEDIATE WEAPONS

- They are used only with the intent to temporarily disable a subject and NEVER with the intent to cause permanent injury.
- The use of an Intermediate Weapon is justified:
 - When lower forms of empty hand control have failed, or
 - When the officer believes his/her skill in empty hand control will be insufficient, and
 - When Deadly Force is not justified.

INTERMEDIATE WEAPONS

- Examples include, but are not limited to:
 - Impact Weapons.
 - Emergency/Improvised impact weapons:
 - Keys.
 - Radio.
 - Handcuffs.
 - Flashlight.
 - Broom/mop handle.
 - Any object that could be used as a weapon of defense.
 - Any form of chemical agents

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Assault

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Techniques

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

ACTIVE AGGRESSION

- Physical actions or assaults with *less than* ***deadly force***, but with the intent to harm.
 - Advancing.
 - Challenging.
 - Punching.
 - Kicking.
 - Grabbing.
 - Wrestling.
 - etc.

DEADLY FORCE ASSAULT

- Any force that may result in serious bodily injury or the loss of human life.
- This act does not require the use of a weapon by a subject.

PPCT Use of Force Resistance/Control Continuum

RESISTANCE

Deadly Force Assault

Active Aggression

Defensive Resistance

Passive Resistance

Verbal Noncompliance

Psychological Intimidation

CONTROL

Deadly Force

Intermediate Weapons

Hard Empty Hand Techniques

Soft Empty Hand Techniques

Verbal Direction

Officer Presence

DEADLY FORCE

- Is any force used by an officer that **may** result in serious bodily injury or the loss of human life.
 - In this definition, “may” means “likely to” and not just a mere possibility.

DEADLY FORCE

- This ultimate step is appropriate ONLY:
 - To protect yourself or another from death or serious bodily injury.
 - As a last resort in preventing an escape.

DEADLY FORCE

- This use of force, in circumstances of necessity, may involve the use of techniques or emergency/improvised impact weapons.
- Firearms shall be considered the final deployment of force to be used when all other means or levels of force have failed.

DEADLY FORCE

- Time permitting, a clear oral warning or order shall be given before any shots are fired.
- In the event that you will fire a weapon at an individual, the point of aim will be the **CENTER OF MASS.**

DEADLY FORCE

- Officers may use deadly force under these circumstances:
 - a) At an inmate or other person carrying a weapon or attempting to obtain a weapon by force **encountered in the officer's official duties**, if the officer reasonably believes that the inmate or person intends to cause death or serious bodily injury to the officer or another person.
 - b) At an inmate or other person **encountered in the officer's official duties**, whom the officer(s) has seen kill or seriously injure any person and who refuses to halt and surrender when ordered.

DEADLY FORCE

- Officers may use deadly force under these circumstances:
- c) At an escaping inmate as a last resort if the escape is actually in progress and if the prisoner has freed him/herself of all barriers and there are no other effective means of preventing the escape.
- Under no circumstances shall deadly force be used unless it is clear that a lesser means of force would not prevent the escape and there is no likelihood of injury to innocent persons by the use of that force.

DEADLY FORCE

- Officers may use deadly force under these circumstances:
 - d) At an inmate or other person **encountered in the officer's official duties** if there is no other way to prevent serious bodily injury or death to the officer or another person.
 - e) To stop or break up a riot when the situation has escalated to an actual threat of death or serious bodily injury to other inmates, staff, officers, or other persons.

USE OF FORCE

- After physical force or O.C. products have been used against a subject:
 - 1) The Shift Commander or Acting Shift Commander will be notified immediately.
 - 2) The subject **must** be examined by medical personnel as soon as possible.
 - 3) The officers who used the physical force or O.C. product must submit a detailed written report to the Shift Commander or Acting Shift Commander no later than the conclusion of the officer's shift.

DOCUMENTATION

- The use of force written report shall include:
 - Date, Time, and Location of the incident.
 - An accounting of the events leading to the use of force.
 - An accurate and precise description of the incident along with the amount of force used and the justification for using that amount of force.
 - A description of any weapons involved and the manner of its use.
 - Any medical attention received.
 - A list of all participants and witnesses to the incident.
 - Any other pertinent information.

Questions? Comments?

**DAUPHIN COUNTY PRISON****Local Policy Chapter 9.22**

Subject:	Security
Reference:	Title 37 Chapter 95 Section 95.241(2.1)

POLICY:

It shall be the policy of Dauphin County Prison to have in place various procedures and policies regarding the Use of Force and the documentation of any incident.

PENOLOGICAL INTEREST:

It is in the penological interest of Dauphin County Prison to have in place various procedures to ensure the lawful Use of Force when dealing with individuals exhibiting aberrant behavior.

PROCEDURE:

All staff shall be trained annually in the Use of Force (Policy 9.17 Use of Force). Special Teams shall be trained not only annually but during any additional training that they attend.

The facility trainers shall be responsible for the proper securing and inventorying of all weapons and less-lethal devices. A monthly inventory will be completed by the facility trainers. When security equipment is issued, it shall be logged by those responsible for the supervision of equipment issue, and logged back in upon return.

Any "hands on" or Use of Force against any inmate shall be reported immediately to the on-duty Shift Commander who shall ensure the inmate is seen immediately by a medical professional and have the incident documented.

There shall be no lethal weapons permitted within the secure perimeter of the facility except in the case of an emergency. Appropriate weapons lockers shall be located in the North Vehicle Entry for those agencies transporting inmates and in the facility's Main Lobby for those visiting staff or inmates.

All Use of Force incidents shall be documented and forwarded to the Administration for review and reporting to the District Attorney's Office as well as the Pennsylvania Department of Corrections.


Warden Brian S. Clark

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September 19, 2017



DAUPHIN COUNTY PRISON

POLICY 9.17

Page 1 of 5

TITLE:	Use of Force
CHAPTER 9:	Security and Control
REFERENCE:	PPCT Defensive Tactics Instructor Manual

POLICY:

To ensure that staff use the appropriate level of force in the performance of their duties, employees will be provided with proper training and guidance on the permissible use of force. Force, including the use of restraints, shall only be used when necessary and only to the degree required to control an individual, facilitate Court-ordered medical treatment, restore order to a disruptive group of individuals, enforce the rules and regulations of the facility, in self-defense and the defense of others, prevent damage to property, prevent an escape, or recapture an escapee. Only the minimum amount of force necessary to resolve a situation shall be employed. The use of force and restraints shall never be used as a means of punishment or revenge.

PENOLOGICAL INTEREST:

It is in the penological interest of Dauphin County Prison to maintain a high degree of efficiency, security and management control in this facility and provide reasonable force options when an inmate exhibits resistance, attempts an escape, is non-compliant to lawful instructions, or threatens or uses force.

PROCEDURE:

1. Trained Security staff shall be authorized and shall use appropriate force as defined in this policy and only as much as is reasonable and necessary under the circumstances.
2. Force and restraint equipment are intended to be used only as control measures when absolutely necessary; they are not intended, and shall never be used, as a means of punishment.
3. The facility follows the concept of responding to resistance with proportional, reasonable use of force. This approach advocates that an officer can use one level of force higher than the level of resistance used by the subject. The only time an officer can reasonably escalate to the next level of force is when the officer finds lower levels of force ineffective, or the officer reasonably believes that a lower form of force will be ineffective. Officers do not need to escalate response controls in a step-by-step progression. As a subject de-escalates their actions, the officer must reduce the amount of force used proportionally.
4. The following steps shall be utilized to gain or maintain control of a subject, unless the acting staff member reasonably believes that the situation requires immediate escalation to a greater degree of force within the use of force continuum or finds lower levels of force ineffective.

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DAUPHIN COUNTY PRISON

POLICY 9.17

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TITLE:	Use of Force
CHAPTER 9:	Security and Control
REFERENCE:	PPCT Defensive Tactics Instructor Manual

- a. Officer Presence.
 - b. Verbal Direction.
 - c. Soft Empty Hand Techniques.
 - d. Hard Empty Hand Techniques.
 - e. Intermediate Weapons.
 - f. Deadly Force.
5. The following are the escalating levels of resistance by a subject.
- a. Psychological Intimidation.
 - b. Verbal Noncompliance.
 - c. Passive Resistance.
 - d. Defensive Resistance.
 - e. Active Aggression.
 - f. Deadly Force Assault.
6. After physical force or oleoresin capsicum products have been used against a subject, the subject must be examined by medical personnel as soon as possible. Immediate medical attention will be provided to the subject if the subject received any injuries.
7. The Shift Commander or Acting Shift Commander shall be notified immediately when physical force is used. The officer/s who used physical force shall submit a written report to the Shift Commander no later than the conclusion of the officer's shift and shall include:
- a. Date, time and location of the incident.
 - b. An accounting of events leading to the use of force.
 - c. An accurate and precise description of the incident along with the amount of force used and the justification for using that amount of force.
 - d. A description of any weapon/s involved and the manner of its use.
 - e. Any medical attention received.
 - f. A list of all participants and witnesses to the incident.

DEFINITIONS: Officers' Levels of Control.

1. *Officer Presence* – Identification of the officer's authority either by identification of the uniform or verbal indication. The officer's mere presence dictates the authority of the facility's rules and regulations and should initiate compliance.

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DAUPHIN COUNTY PRISON

POLICY 9.17

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TITLE:	Use of Force
CHAPTER 9:	Security and Control
REFERENCE:	PPCT Defensive Tactics Instructor Manual

2. *Verbal Direction* – A clear, understandable, reasonable, and lawful command of direction or compliance.
3. *Soft Empty Hand Techniques* – Techniques which may cause pain but virtually no potential for injury. They include, but are not limited to, oleoresin capsicum products, strength techniques, joint locks, pressure points or a knee strike to the subject's common peroneal. These techniques are designed to control Passive or Defensive Resistance and are used when verbal directions are not effective and there is non-compliance with lawful orders.
 - a. *Oleoresin Capsicum Products* – A nonlethal aerosol spray, foam, or gel made with the pepper derivative oleoresin capsicum designed to spray directly into a subject's face; used to inflame the skin and mucous membranes.
4. *Hard Empty Hand Techniques* – Techniques that have the potential for injury in the form of bruises, contusions or lacerations. They include, but are not limited to, defensive counter strikes (straight punch, palm heel strike, front thrust and angle kick, brachial stun, etc.) and the Shoulder Pin Restraint. These techniques are designed to control Active Aggression but can also be used to control Defensive Resistance.
5. *Intermediate Weapons* – The amount of force when utilized has the high propensity for extreme pain and possibility of injury. The application/use of any weapon or object that is not part of the human body to control resistance or an assault. Examples include any form of chemical agent (i.e., PepperBalls), impact weapons or emergency/improvised impact weapons (e.g., keys, radio, broom/mop handle, flashlight, handcuffs, or any object that could be used as a weapon in defense of oneself or another). The use of an intermediate weapon is justified when lower forms of empty hand control have failed or when the officer believes that empty hand control will be insufficient and the use of deadly force is not justified. Intermediate Weapons are used only with the intent to temporarily disable a subject and never with the intent to cause permanent injury.
6. *Deadly Force* – Any force used by an officer that may result in serious bodily injury or the loss of human life. In this definition, "may" means "likely to," and not just a mere possibility.
 - a. This ultimate step is appropriate only to protect oneself or another from death or serious bodily injury, or as a last resort in preventing an escape. Use of force to protect oneself or another from death or serious bodily injury may also include emergency/improvised impact weapons in circumstances of necessity. Such emergency/improvised weapons include, but are not limited to, keys, radio, broom/mop handle, flashlight, handcuffs, or any object that could be used as a

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weapon in defense of oneself or another. Firearms shall be considered the final deployment of force to be used when all other means or levels of force have failed.

- b. Firearms shall be used only in situations where there is a danger of death or serious bodily injury. Firearms shall not be discharged if other measures will suffice. In other words, deadly force should only be used as a last resort. If there are reasonable alternatives that can be employed short of using deadly force, these alternatives must be exhausted before deadly force can be used. In addition, the fact that an officer is legally justified in using deadly force in certain extreme circumstances does not permit the officer to engage in reckless conduct that endangers innocent persons. Displaying and discharge of firearms should be held to the minimum needed to fulfill the responsibilities of the facility and to protect the safety of the officers. Time permitting, a clear oral warning or order shall be given before shots are fired. In the event shots are fired at an individual, the shots will be aimed at center mass.
- c. An officer may use deadly force under the following circumstances:
 - i. At an inmate or other person carrying a weapon or attempting to obtain a weapon by force encountered in the officer's official duties, if the officer reasonably believes that the inmate or person intends to cause death or serious bodily injury to the officer or another person.
 - ii. At an inmate or other person encountered in the officer's official duties, whom the officer(s) has seen kill or seriously injure any person and who refuses to halt and surrender when ordered.
 - iii. At an escaping inmate as a last resort if the escape is actually in progress, if the inmate has freed him/herself of all barriers and there are no other effective means of preventing the escape. Under no circumstances shall deadly force be used unless it is clear that a lesser means of force would not prevent the escape and there is no likelihood of injury to innocent persons by the use of that force.
 - iv. At an inmate or other person encountered in the officer's official duties if there is no other way to prevent serious bodily injury or death to the officer or another person.
 - v. To stop or break up a riot when the situation has escalated to an actual threat of death or serious bodily injury to other inmates, staff, officers, or other persons.

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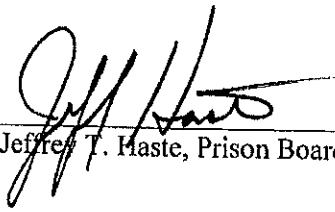
DEFINITIONS: Subjects' Levels of Resistance.

1. *Psychological Intimidation* – Nonverbal cues indicating a subject's attitude, appearance, and physical readiness (e.g., blank stare, clenching of fist/s, tightening of jaw muscles, etc.) The subject may comply with verbal commands but displays visual nonverbal cues that indicate potential physical resistance.
2. *Verbal Noncompliance* – Any verbal response indicating the subject's unwillingness to obey an order or command.
3. *Passive Resistance* – Any type of resistance where the subject does not attempt to defeat the officer's attempt to control them, but will not voluntarily comply with verbal and physical attempts of control (e.g., dead-weight resistance, does not react to verbal commands, etc.).
4. *Defensive Resistance* – Any action by a subject that attempts to prevent an officer from gaining control (e.g., pulling or pushing away). It is not an attack rather a physical act to prevent control.
5. *Active Aggression* – Actions or assaults with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.) but with the intent to harm the officer.
6. *Deadly Force Assault* – Any force used that may result in great serious bodily injury or loss of life. This act does not require the use of a weapon by the subject.

Presented By: 

Warden Dominick L. DeRose

Date: 14 May 2014

Approved By: 

Commissioner Jeffrey T. Haste, Prison Board Chair

Date: 14 May 2014

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